# Executive Summary – Enforcement Matter – Case No. 44659 Ascend Performance Materials Operations LLC RN100238682

Docket No. 2012-1543-AIR-E

Order Type:

Findings Agreed Order

**Findings Order Justification:** 

Unauthorized emissions which are excessive emissions events.

Media:

AIR

**Small Business:** 

No

Location(s) Where Violation(s) Occurred:

Ascend Performance Materials Chocolate Bayou Plant, on Farm-to-Market Road 2917, eight miles south of the intersection of State Highway 35 and Fram-to-Market Road 2917. Alvin, Brazoria County

Type of Operation:

Chemical manufacturing plant

**Other Significant Matters:** 

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 6, 2013

Comments Received: No

# **Penalty Information**

Total Penalty Assessed: \$175,389

Amount Deferred for Expedited Settlement: \$0 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$87,695

**Total Due to General Revenue: \$0** 

Payment Plan: N/A

SEP Conditional Offset: \$87,694

Name of SEP: Brazoria County

**Compliance History Classifications:** 

Person/CN - Average Site/RN - Average

Major Source: Yes

Statutory Limit Adjustment: 62,500

Applicable Penalty Policy: September 2002 and September 2011

# Executive Summary - Enforcement Matter - Case No. 44659 **Ascend Performance Materials Operations LLC** RN100238682

Docket No. 2012-1543-AIR-E

#### Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: April 27, 2012, June 21, 2012, October 8, 2012 through

October 16, 2012, and November 1, 2012 through December 10, 2012

Date(s) of NOE(s): July 20, 2012, October 9, 2012, December 7, 2012, February 1,

2013 and February 21, 2013

#### Violation Information

- 1. Failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865) [30 Tex. ADMIN. CODE §§116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), New Source Review ("NSR") Permit No. 48895, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. O-2325, Special Terms and Conditions ("STC") No. 19].
- 2. Failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543) [30 Tex. ADMIN. CODE §§116.115(c) and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. O-2325, STC No. 19].
- 3. Failed to report all instances of deviations [30 Tex. Admin. Code §§122.143(4) and 122.145(2)(A), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O-2321, General Terms and Conditions].
- 4. Failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe [30 Tex. ADMIN. CODE §§101.20(2), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), 40 CFR §63.10(d)(5)(i), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5].
- 5. Failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe [30 Tex. Admin. Code §§101.20(2), 116.115(c), and 122.143(4), Tex. Health & Safety CODE §382.085(b), 40 CFR §63.10(e)(3)(v), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5].
- 6. Failed to perform quarterly visible emission observations [30 Tex. Admin. Code §122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b), and FOP No. O-2321, STC Nos. 3(A)(iv)(1) and 3(B)(iv)(1)].
- 7. Failed to maintain the flare net heating value above 300 British Thermal Units per standard cubic foot for Flare Nos. 30Z7 and 31Z4 [30 Tex. ADMIN. CODE §§101.20(1) and (2), 115.126(1)(B), 116.115(c), and 122.143(4), TEX. HEALTH & SAFETY CODE §382.085(b),

#### Executive Summary – Enforcement Matter – Case No. 44659 Ascend Performance Materials Operations LLC RN100238682

Docket No. 2012-1543-AIR-E

40 CFR §§60.18(c)(3)(ii) and 63.11(b)(6)(ii), FOP No. O-2321, STC No. 1.A., and NSR Permit Nos. 18251 and N-011, SC Nos. 5 and 19A].

- 8. Failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998) [30 Tex. Admin. Code §116.115(c), Tex. Health & Safety Code §382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. 0-2325, STC No. 19].
- 9. Failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029) [30 Tex. Admin. Code §116.115(c), Tex. Health & Safety Code §382.085(b), and NSR Permit Nos. 18251 and N-011, SC No. 1].

#### Corrective Actions/Technical Requirements

## Corrective Action(s) Completed:

Respondent has implemented the following corrective measures:

- a. On February 7, 2012, submitted the following reports:
- i. The startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period; and
- ii. The excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period.
- b. On March 9, 2012, increased the net heating value for Flare Nos. 31Z4 and 30Z7 above 300 BTU/scf.
- c. On April 1, 2012, implemented operational and administrative procedures to ensure that the required visible emission observations are conducted.
- d. On July 4, 2012, completed the following corrective measures as indicated in the corrective action plan ("CAP") dated September 21, 2012 in order to prevent a recurrence of similar emissions events as Incident Nos. 166865, 168543, and 168998:
- i. Rebuilt the heat exchangers;
- ii. Replaced the carbon steel tubes with stainless steel supports;
- iii. Added additional tube supports to mitigate vibration issues that might affect the structural integrity of the replacement tube supports;
- iv. Replaced the carbon steel distributor plates with stainless steel;
- v. Eliminated the top row of tubes to allow greater spacing between the remaining tubes and distributor plates; and
- vi. Eliminated ten tubes in each exchanger bundle to serve as inspection ports.

#### Executive Summary – Enforcement Matter – Case No. 44659 Ascend Performance Materials Operations LLC RN100238682 Docket No. 2012-1543-AIR-E

- e. On September 21, 2012, submitted a CAP to address the excessive emissions events that began on March 30, 2012 (Incident No. 16865), on May 16, 2012 (Incident No. 168543), and on May 29, 2012 (Incident No. 168998);
- f. On March 12, 2013, received Commission approval for the CAP dated September 21, 2012; and
- g. On June 21, 2013, submitted a CAP to address the excessive emissions event that began on September 1, 2012 (Incident No. 173029).

#### **Technical Requirements:**

- 1. The Order will require Respondent to implement and complete a Supplemental Environmental Project ("SEP"). (See SEP Attachment A)
- 2. The order will also require Respondent to:
- a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP dated June 21, 2013 within 15 days after the date of such requests, or by any other deadline specified in writing;
- b. Within 30 days, implement improvements to the recordkeeping system to ensure that deviation reports are submitted in an accurate and timely manner;
- c. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision b., as described in Ordering Provision f.;
- d. Upon Commission approval, implement the CAP dated June 21, 2013 in accordance with the approved schedule;
- e. Within 15 days upon completion of the implementation of the CAP dated June 21, 2013, submit written certification to demonstrate compliance with Ordering Provision d., as described in Ordering Provision f.; and
- f. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c. and e.

# Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A

# Executive Summary – Enforcement Matter – Case No. 44659 Ascend Performance Materials Operations LLC RN100238682

Docket No. 2012-1543-AIR-E

SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

#### Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Heather Podlipny, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2603; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,

MC 219, (512) 239-3565

Respondent: Paul Cartlidge, Plant Manager, Ascend Performance Materials

Operations LLC, P.O. Box 711, Alvin, Texas 77512-0711

Respondent's Attorney: N/A

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#### Attachment A Docket Number: 2012-1543-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials Operations LLC
Penalty Amount:	One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389)
SEP Offset Amount:	Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694)
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Brazoria County
Project Name:	Brazoria County Vehicle and Equipment Program
Location of SEP:	Brazoria County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

## 1. Project Description

#### a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Brazoria County** for the *Brazoria County Vehicle and Equipment Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles. The Third-Party Administrator shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current U.S. Environmental Protection Agency ("EPA") low-emission standards. The Third-Party Administrator shall ensure that equipment and vehicles being retired are operational and

Ascend Performance Materials Operations LLC Agreed Order - Attachment A

that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Administrator shall submit proof of registration, decommissioning, and scrappage by an authorized vehicle dismantler for all retired vehicles and equipment.

<u>Retrofits and Conversions</u>. The Third-Party Administrator shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the EPA or the California Air Resources Board ("CARB") as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, the Third-Party Administrator shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas, and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

#### b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by the older

Ascend Performance Materials Operations LLC Agreed Order - Attachment A

replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

#### c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Brazoria County Attention: Richard Hurd 313 West Mulberry Angleton, Texas 77515

# 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087

# 4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

Ascend Performance Materials Operations LLC Agreed Order - Attachment A

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

#### 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

# 6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

# 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Policy Revision 2 (5	Penalty Calculation Worksheet (PCW) September 2002) PCW Revi	ision October 30, 2008
DATES Assigned PCW	V 1-Aug-2012 Screening 31-Jul-2012 EPA Due 16-Apr-2013	The state of the s
Respondent	ITY INFORMATION  t   Ascend Performance Materials Operations LLC  RN100238682  1   12-Houston   Major/Minor Source   Major	
Enf./Case ID No.	Enf. Coordinator Heather Podlip  EC's Team Enforcement T	ny eam 4
TOTALERACEDEN!	Penalty Calculation Section  ALTY (Sum of violation base penalties)  Subtotal 1	
ADJUSTMENTS (+	/-) TO SUBTOTAL 1	\$5,000
Subtotals 2-7 are of	btained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.    Subtotal 2, 3, & 7	\$16,450
Culpability		50
Notes	The Respondent does not meet the culpability criteria.	
Good Falth Eff	fort to Comply Total Adjustments Subtotal 5	\$1,250
Economic Bene Approx.	effit Subtotal 6  Total EB Amounts \$52 *Capped at the Total EB \$ Amount  Cost of Compliance \$1,500	\$0
SUM OF SUBTOTAL	LS 1-7	\$20,200
OTHER FACTORS A Reduces or enhances the Final	AS JUSTICE MAY REQUIRE 0.0% Adjustment I Subtotal by the indicated percentage.	\$0
Notes		Medital and control and contro
	Final Penalty Amount	\$20,200
STATUTORY LIMIT		\$20,200
DEFERRAL Reduces the Final Assessed Pel F	nalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	\$0
Notes	No deferral is recommended for Findings Orders.	

PAYABLE PENALTY

\$20,200

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

Respondent Ascend Performance Materials Operations LLC

Case ID No. 44659

Reg. Ent. Reference No. RN100238682

Media [Statute] Air

Enf. Coordinator Heather Podlipny

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	ory Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	18	90%
	Other written NOVs		36%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8 m. m.s.	160%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0.	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	5 34 34 34 34 34 34 34 34 34 34 34 34 34	-5%
Advis	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	1	-2%
		ease Enter Yes or No	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
**************************************	Adjustment Per	centage (Sub	total 2)
Repeat Violator (			
No		centage (Subi	total 3)
Compliance HISE	ry Person Classification (Subtotal 7)		
Average De	Adjustment Per	rentane (Subi	ntal 7)

Average Performer

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for eight agreed orders with denial of liability, two agreed orders without denial of liability, 18 NOVs with same/similar violations, and 18 NOVs with dissimilar violations, Reduction for five Notices of Intent to conduct audit and one Disclosure of Violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

3 Screening Page		<b>ERGV</b>
	Ascend Performance Materials Operations LLC	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		.
Media (Statute)		
Enf. Coordinator		
Violation Number		***************************************
Rule Cite(s)	30 Tex. Admin. Code §§ 101.20(1) and (2), 115.126(1)(B), 116.115( 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 Code of Fo	c), and
	Regulations §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), Federal Operating Per	mit No. O-
	2321, Special Terms and Conditions No. 1.A., and New Source Review Po	ermit Nos.
	18251 and N-011, Special Conditions Nos. 5 and 19A	Autostus
	Falled to maintain the flare net heating value above 300 British The	rmal
•	Units/standard cubic foot ("BTU/scf") for Flare Nos, 30Z7 and 31Z4, Sp	ecifically.
Violation Description	the net heating value for Flare No. 31Z4 dropped below 300 BTU/scf or	n July 2,
	2011 for one hour and on July 24, 2011 for two hours. The net heating Flare No. 3027 dropped below 300 BTU/scf on June 3, 2011 for five hou	value for
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	Violation :	Subtotal \$3,750
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Estimated	EB Amount \$52 Violation Final Pena	Ity Total \$20,200
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Respondent   Ascend Performance Materials Operations LLC   Ade59   A		Economic Eco	el monte	Benefit	Works	sheet		
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		'politico opag il) playtige'	wine barriers with	annowers of page 14	0.00	(* <b>\$0</b>	- A - S <b>\$</b> 0	######################################
			1994) para sa		Bart Settler			
Approx. Cost of Compliance \$1,500 FOTAL \$52	Notes for AVOIDED costs				rigge Especial i Secondaria	i da 1970en zarak	mi mis est logar since: Sis visit est visit since:	
Approx. Cost of Compliance \$1,500 TOTAL \$52								
Approx. Cost of Compliance \$1,500 TOTAL \$52					:2554(8850)	SOLUTION SERVED PROPERTY.		Less 1
	Approx. Cost of Compliance		\$1,500	l		TOTAL	L	\$52

#### Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 23-Jul-2012 PCW 27-Jun-2013 Screening 31-Jul-2012 EPA Due 16-Apr-2013 RESPONDENT/FACILITY INFORMATION Respondent Ascend Performance Materials Operations LLC Reg. Ent. Ref. No. RN100238682 Facility/Site Region 12-Houston Major/Minor Source Major CASE INFORMATION ..... Enf./Case ID No. 44659 No. of Violations 9 Docket No. 2012-1543-AIR-E Media Program(s) Air Order Type Findings Government/Non-Profit No Multi-Media Enf. Coordinator Heather Podlipny EC's Team Enforcement Team 4 Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$120,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 100:0% Enhancement Subtotals 2, 3, & 7 \$120,750 Enhancement for eight agreed orders with denial of liability, two agreed orders without denial of liability, 18 NOVs with same/similar violations, Notes and 18 NOVs with dissimilar violations. Reduction for five Notices of Intent to conduct audit and one Disclosure of Violations. Culpability No \* 0.0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$23,811 Economic Benefit 0.0% Enhancement\* Subtotal 6 \$0 Total E8 Amounts Capped at the Total EB \$ Amount Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$217,689 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$217,689 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$155,189 0.0% Reduction Adjustment \$0 Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes No deferral is recommended for Findings Orders.

\$155,189

PAYABLE PENALTY

Screening Date 31-Jul-2012

Docket No. 2012-1543-AIR-E

Case ID No. 44659

Respondent Ascend Performance Materials Operations LLC

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Reg. Ent. Reference No. RN100238682

Media [Statute] Air Enf. Coordinator Heather Podlipny

**Compliance History Worksheet** 

Component	ory S/te Enhancement (Sübtotál 2) Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		90%
	Other written NOVs	18	36%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	8	160%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	'50%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	15	-5%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations</i> were disclosed)	4 0000 <b>4</b>	-2%
		ease Enter Yes or No	
	Environmental management systems in place for one year or more	. No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
\$\$15,5\$\$\$5,0\$ (26)	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No No	0%
oleon filiak varialish kalaman mendadak ina asal dalam 1900 di mendadak ES (1888).	Adjustment Per	rcentage (Sub	total 2) <u>3</u>
Repeat Violator (	Subtotal 3)  Adjustment Per	rcentage (Sub	total 3)
	ry Person Classification (Subtotal 7)		
		contaco (F.:b	total 7)
Average Pe	ry Summary	centaya (Subi	
mender in eastern in the latter in			november (1279) general en proteste in des des (1966) (197
Compliance History Notes	Enhancement for eight agreed orders with denial of liability, two agreed orders with denial of liability, 18 NOVs with same/similar violations, and 18 NOVs with dissimilar violations for five Notices of Intent to conduct audit and one Disclosure of Violati	ions. Reduction	
inal Compliance i	Total Compliance History Adjustment Percentage (S	Subtotals 2, 3	<b>3, &amp; 7)</b> 3
PROPERTY CONTRACTOR OF THE PROPERTY OF THE PRO	Final Adjustment Percent	CANADA SANTAN SANTAN CANADA SANTAN	t 100% 1

Screening Date		SAGME.
Respondent Case ID No.	Ascend Performance Materials Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]	Alr	
Enf. Coordinator Violation Number		
Rule Cite(s)		fety Code 5
itale cite(s)	382.085(b), New Source Review ("NSR") Permit No. 48895, Special ( ("SC") No. 1, and Federal Operating Permit ("FOP") No. 0-2325, Specia	Conditions
	Conditions ("STC") No. 19	
Violation Description	Falled to prevent unauthorized emissions during an excessive emissions began on March 30, 2012 (Incident No. 166865). Specifically, 20,673 ("ibs") of acrylonitrile ("AN"), 2,282.14 lbs of hydrogen cyanide ("HC 91.19 lbs of volatile organic compounds ("VOC") were released from Co No. 6 ("CT6"), Emission Point No. ("EPN") 70382E6, during the event 167 hours and 44 minutes. The event occurred due to an unintentione made on the heat exchanger tube during a maintenance activity concontractors in October 2011.	.82 pounds CN"), and colling Tower that lasted al partial cut
	Ва	se Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	56
<b>OR</b> Actual Potential	Percent 100.0%	5
>>Programmatic Matrix		***************************************
Falsification	Major Moderate Minor Percent 0.0%	. <del>"</del>
		and a second
Based on mo Matrix ("ESL") for Al	deling data provided by the Respondent, the short-term Effects Screen; I and HCN were exceeded; therefore, human health or the environment	ng Levels
Notes exposed to po	llutants which exceed levels that are protective of human health or envi	ronmental
	receptors as a result of the violation.	
	Adjustment	50
		\$25,000
Violation Events -		
Number of V	olation Events 7 Number of violation	
1	olation Events 1 Number of violation	ruays
	(Cally Weekly X	
mark only one	nionthiya and a managara	<del></del>
with an x	guarteily, Violation Ba	se Penalty \$25,000
	anjual * Single evenu	
<u> </u>	Consultation of the Consul	
	One weekly event is recommended.	
Good Faith Efforts to Comp	ly 25.0% Reduction	\$6,250
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	277.9907.09999.
,	Ordinary	
	N/A (Control of the control of the c	i .
	Notes The Respondent returned to compliance on July 4, 2012	
	and the NOE is dated July 20, 2012.	
	Violation	n <b>S</b> ubtotal \$18,750
Economic Benefit (EB) for a	his violation Statutory Eimi	t Test
Estimate	i EB Amount \$2,301 Violation Final Pen	nalty Total \$43,750
	This violation Final Assessed Penalty (adjusted	
	and Accessed Ferrally (adjusted	773,730

	and make any or experience that have recorded by a survivar	onomic	At the best of the state of the	Works	sheet		
Respondent Case ID No		nance Materials (	Operations LLC				
Case ID No. g. Ent. Reference No.							
. Media	Alr					Percent Interest	Years of
Violation No.						5.0	Depreciation 15
	Trem Cost	Date Required	Final Date	Yrs Inte	rést Saved	Onetime Costs	<b>EB Amount</b>
Item Description		A STATE OF THE STA					
Delayed Costs Equipment	\$125.000	30-Mar-2012	l :: 4-Jul-2012	0.26	\$110	\$2.192	\$2.301
Buildings	rapega akang yang da	Basiyorotti ashitiga testa	ray Paris (1) postero analys	0.00	10.\$0	\$0	342 × \$0.400
Other (as needed)	enchnikenneknis:	maraga at ayan ya sa ka	sa seeman ethebel a.	0.00	<u> </u>	\$0 \ 50 \$0	\$0
Engineering/construction Land			n de de la companyant	0.00	\$0 - \$0	United States	\$0
Record Keeping System			April Saprilled House	0.00	\$0		\$0
Training/Sampling		Ktanakan ingship di	pletic the particular	0.00	:: <b>\$</b> 0 : : : : : :		\$0
	An Market and American American			I A AA 1			
Remediation/Disposal			hterres (Sheeklert) artis at biscomes och	0.00	\$0 \$0		\$0 \$0
Permit Costs Other (as needed)				0.00 0.00 changer tub		plement a corrective	\$0 +\$0 e action plan in
Permit Costs Other (as needed) Notes for DELAYED costs	order to prev emissions	ts to replace/reb ent another occu event began. Th cc	ulld the heat ex Frence of this ty le Final Date is t Impleted and the	changer tub pe of emissing date received	ions event. onstruction a unit was rest	The Date Required nd rehabilitation act arted.	\$0 +\$0 e action plan in is the date the jylties were
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	order to prev emissions	ts to replace/reb ent another occu event began. Th cc	ulld the heat ex Frence of this ty le Final Date is t Impleted and the	0.00 0.00 changer tub pe of emiss he date reco a operating entering ite	ions event. onstruction a unit was rest em (except	The Date Required nd rehabilitation act arted.  Tor one-time avol	\$0 +\$0 e action plan in is the date the jylties were ded costs)
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal	order to prev emissions	ts to replace/reb ent another occu event began. Th cc	ulld the heat ex Frence of this ty le Final Date is t Impleted and the	changer tub pe of emissing date received	ions event. onstruction a unit was rest	The Date Required nd rehabilitation act arted.	\$0 +\$0 e action plan in is the date the jylties were
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	order to prev emissions	ts to replace/reb ent another occu event began. Th cc	ulld the heat ex Frence of this ty le Final Date is t Impleted and the	0.00 changer tub pe of emiss he date rece operating entering ite 0.00 change	ions event. onstruction a unit was rest em (except \$0	The Date Required and rehabilitation act arted.  for one-time avolution \$0	\$0 +\$0 e action plan in s the date the jvittes were ded costs) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel ection/Reporting/Sampling Supplies/equipment	order to prev emissions	ts to replace/reb ent another occu event began. Th cc	ulld the heat ex irrence of this ty e Final Date is to impleted and the costs before a	changer tub pe of emiss ne date rece a operating entering Ite 0.00 0.00 0.00	ions event, onstruction a unit was rest em (except \$0 \$0	The Date Required no rehabilitation act arted.  For oine-time avoided to the solution of the s	\$0 +\$0 e action plan in is the date the ivities were ded costs) \$0 -\$0 -\$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	order to prev emissions	ts to replace/reb ent another occu event began. Th cc ZE [1] avoided	ulld the heat ex Frence of this ty le Final Date is t Impleted and the	changer tub pe of emissing date rece e operating te 0.00 0.00 0.00 0.00	ions event, onstruction a unit was rest em (except \$0 \$0	The Date Required and rehabilitation act arted.  For one-time avolution \$0 \$0 \$0	\$0 +\$0 e action plan in s the date the jvittes were ded costs) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOICED COSTS Disposal Personnel ection/Reporting/Sampling Supplies/equipment Pinancial Assurance [2]	order to prev emissions	ts to replace/reb ent another occu event began. Th cc ZE [1] avoided	ulld the heat ex rrence of this ty e Final Date is t impleted and the costs before o	changer tub pe of emissi he date rece e operating entering ite 0.00 0.00 0.00 0.00	ions event, onstruction a unit was rest em (except \$0 \$0 \$0 \$0	The Date Required and rehabilitation act arted.  For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 e action plan in is the date the jylties were ded costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3]	order to prev emissions	ts to replace/reb ent another occu event began. Th cc ZE [1] avoided	ulld the heat ex rrence of this ty e Final Date is t impleted and the costs before o	changer tub pe of emiss he date rece coperating entering ite 0.00 0.00 0.00 0.00 0.00	ions event, onstruction a unit was rest em (except \$0 \$0 \$0 \$0	The Date Required and rehabilitation act arted.  For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 e action plan in is the date the jylties were ded costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel ection/Reporting/Sampling Supplies/equipment Financial Assurance [2] DNE-TIME avoided costs [3]	order to prev emissions	ts to replace/reb ent another occu event began. Th cc ZE [1] avoided	ulld the heat ex rrence of this ty e Final Date is t impleted and the costs before o	changer tub pe of emiss he date rece coperating entering ite 0.00 0.00 0.00 0.00 0.00	ions event, onstruction a unit was rest em (except \$0 \$0 \$0 \$0	The Date Required and rehabilitation act arted.  For one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 e action plan in is the date the jylties were ded costs) \$0 \$0 \$0 \$0 \$0

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Screening Date		<b>Docket No.</b> 2012-1543-AIR-E	#PGW
Respondent Case ID No.	Ascend Performance Materia	als Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.			PCW Revision August 3, 2011
Media [Statute]			
Enf. Coordinator			
Violation Number Rule Cite(s)		FOR ESTABLISH SOLITON FOR EXCENSION CONTRIBUTE SOLUTION OF THE	
	30 Tex. Admin. Code §§ 1. 382.085(b). NSR Permit f	16.115(c) and 122.143(4), Tex. Health & Safe No. 48895, SC No. 1, and FOP No. O-2325, ST	ty Code §
		zed emissions during an excessive emissions	NO STATE OF THE ST
	occurred on May 16, 2012	(Incident No. 168543), Specifically, 8,143,29	lbs of AN.
Violation Description	2,825.63 lbs of HCN and event that lasted 8 h	508.33 lbs of VOC were released from CT6 du ours and 45 minutes. The event occurred du	iring the
	corrosion/erosion of the hea	at exchanger's steel support baffles causing th	ne tubes to
<u>.</u>	fit outside fa	l, resulting in a leak from CT6.	
		Bas	e Penalty \$25,000
>> Environmental Proper	y and Human Health	Matrix	
Release	<b>Harm</b> Major Moderate		•
OR Actual	Thaight indeclate	Minor	
Potential		Percent 100.0%	
>>Programmatic Matrix			
Falsification	Major Moderate	Minor	
BLANCO COM	Terror transport to the second of the second	Percent 0.0%	
Based on mod	eling data provided by the F	Respondent, the short-term ESLs for AN and F	ICN were
Matrix exceeded; the Notes exceed levels	ierefore, human health or th	e environment has been exposed to pollutant in health or environmental receptors as a rest	s which
		violation.	(C)
		Adjustment	\$0]
-	•	•	\$25,000
Violation Events			
Number of Vi	olation Events	Number of violation	days
	dally X		
	weakly Established		
mark only one with an x	quartefly e	Violation Base	e Penalty \$25,000
	semannual /		*
	annualises singlesevens		
Andrew State of the Control of the C			Walland Control of the Control of th
	One dally e	vent is recommended.	
	M. 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 1974 - 19		
Good Faith Efforts to Comp	ý 25.0%	Requesión	\$6,250
4	Before NOV	NOV to EDPRP/Settlement Offer	
-	xtraordinary x	t te Devige for de Stand Stand eine gefandet. Devige de Stand of de Standard Standard eine gefande.	
	N/A	(mark with x)	
	The Respond	lent returned to compliance on July 4, 2012	
		the NOE is dated October 9, 2012.	
		Violation	Subtotal \$18,750
Economic Benefit (EB) for t	his violation	Statutory Eimit	Test
Estimated	EB Amount	Violation Final Pena	ity Total \$43,750
	This viol	ation Final Assessed Penalty (adjusted fo	or limits) \$25,000

Respondent   Ascend Performance Materials Operations LLC   Case 1D   No.   4465		E	conomic	Benefit	Work	sheet		
Req. Ent. Reference: No. Media   Air   Violation No. 2   Percent Interest   Years of   Depreciation   S. o.   15   Depreciation   S. o.   15	Responden	L Ascend Perfor	mance Materials	Operations LLC	AGENTAN ANTERS AND GENERAL PROPERTY AND	54 Lings 19 - 子の日 音 かり 高 1 日 10 10 10 10 10 10 10 10 10 10 10 10 10	Section 16, 100 Persons 16, 10	
Media Air								
Violation No. 2   Percent Interest   Depreciation			:			n		
Tem Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount							Percent Interest	
Tem Cost   Date Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Aniount	Section No.	2						
Delayed Costs   Equipment   Buildings   D.00   \$0   \$0   \$0   \$0   \$0   \$0   \$0					Jenes Long		The second secon	CONTRACTOR OF THE PROPERTY OF
DEJAYED Costs   Equipment		Item Cost	Date Required	l Final Date	Yrs Int	erest Saved	Onetime Costs	EB Amount
See the Economic Benefit on Violation No. 1 of this PCW.    Avoided Costs   Disposal Personnel	Item Description	n No commas or \$						
See the Economic Benefit on Violation No. 1 of this PCW.    Avoided Costs   Disposal Personnel	process process for the control of							
Disposal   Personnel		9	a contraction of the contraction		7000	en l	60	40
Other (as needed)		a gal March and Harris		The second second second				
Comparison   Com		Transfer and the second sector	cos esercensi visatorias	nakanuja mines		\$0	2010 \$0 · · · · · ·	And the second of the second o
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIGEd Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  O 0.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	Engineering/construction	pagallagasyaren Salta	4	Charles American Street				
Training/Sampling		rajae raja bereje						
Remediation / Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOICE COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/Sequipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  Remediation / Disposal Costs								
Notes for DELAYED costs  See the Economic Benefit on Violation No. 1 of this PCW.  AVOIDED Costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs			. Paranakan kembua	Facebooks a property for				\$550 <b>50</b> 4650
Notes for DELAYED costs  See the Economic Benefit on Violation No: 1 of this PCW:  AVOIDED Costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  Disposal Personnel  Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs  See the Economic Benefit on Violation No: 1 of this PCW:  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)  0.00		The second secon	r pugigasargayay All	degradasana.				
Avoided Costs	Other (as needed)	raging that intolline	-939400000-015-440	Paramana Asia	1 0.00	***************************************	<u>nenialinga at 1</u>	17442015044444
Avoided Costs					gregerative de Jaronatas, es			
Avoided Costs	Notes for DELAYED costs		See ti	ne Economic Be	nefit on Viol	lation No. 1 of	this PCW.	
Disposal   Personnel	MOTES IOI PERMITTE COSES				Mor wa Sulfacil. Masarakan		idenis Andros (2011) A como de la como de la como	
Disposal   Personnel		ma-3 lasys			45,72,74,88,74			de les districtions
Disposal   Personnel	AVITE TO EL	ANNUAL	IZE [1] avolded	costs before	entering il	em (except f	or one-time avole	led costs)
Inspection/Reporting/Sampling     Supplies/equipment     Financial Assurance [2]     ONE-TIME avoided costs [3]     Other (as needed)  Notes for AVOIDED costs	· · · · · · · · · · · · · · · · · · ·					· · · · \$0 · · · · · · · · · · · · ·		1211-0 <b>\$</b> 0 48-00
Supplies/equipment		Logistaniosens						CANADA PARTICIPATION OF THE PROPERTY OF THE PR
Financial Assurance [2]					The second secon			
ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs		ranners et er ter gr						A STATE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS N
Other (as needed) Notes for AVOIDED costs  Notes for AVOIDED costs			The second secon	I faire in the contract of the				
		Apply the care			0.00	\$0	\$0	75 2 3 <b>5</b> 0 4 7 7 1 2
			one in the market of the				, is with a sign of the little of the following of the first of the following of the follow	- Norman Stanford Burgar (1994) - Talah Bergarak Talah Talah
	Natar for AVOTOFO rosts							
Approx. Cost of Compliance \$0 \$0	MOTER IN MACINET COSTS							
Approx. Cost of Compliance \$0 \$0		15 SP (15 Family)			गुरुक्षाच्या गाउँ । स्टेस्ट्रीस्ट्री			
Approx. Cost of Compliance SUJ				1	<b>Mark</b>			<u> </u>
	Approx. Cost of Compliance	L	\$0	J	540,70	WIAL		

Screening Date		PGW
Respondent Case ID No.	Ascend Performance Materials Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.	· · · · · ·	PCW Revision August 3, 2011
Media [Statute]	Alr	
Enf. Coordinator		
Violation Number Rule Cite(s)		400.47715.40000
	§ 382.085(b), and FOP No. O-2321, General Terms and Condition	ons Code
Violation Description	Falled to report all instances of deviations. Specifically, in the Decembe semi-annual deviation report, the Respondent did not disclose the failure quarterly visible emission observations for the Solid Waste Treatment U Acrylonitrile Unit 3 Catalyst Transfer Operations during the third quarter In the May 30, 2012 semi-annual deviation report, the Respondent did rethe late submittal of the startup, shutdown, and malfunction report, and emissions and monitoring system performance report submitted as part Code of Federal Regulations ("CFR") Part 63, Subpart EEE Hazardous Combustor Maximum Achievable Control Technology report dated February	r 29, 2011 to conduct nit and the or of 2011, not disclose the excess of the 40 s Waste
	Ba	se Penalty \$25,000
>>:Environmental;:Proper	iy and Human Health Matrix	
Release	Harm Major Moderate Minor	
	ischwesseko ferromerus Eksanusera	-
Potential Potential	Percent 0.0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor  State of the second of	1
		1
Matrix	Less than 30% of the rule requirement was not met.	
Notes		
	Adjustment	\$24,750
		\$250
		<u> </u>
Violation Events		
Number of V	olation Events 214 Number of violation	days
	Gailt & Contract of the Contra	
	WCEKIY EXPERIENCE	
mark only one with an x	o menthy as Violation Bas	se Penalty \$500
With all X	semannat :	4,500
	annual x	
Two single ev	ents are recommended based on the two incomplete reports that were su	ibmitted.
Good Faith Efforts to Comp	ly 0.0% Reduction	\$0
	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
	Ordinary	
	N/A (mark with x)	
	Notes The Respondent does not meet the good faith criteria for this violation:	
	Violation	Subtotal \$500
From Owledge of the G-II		
Economic Benefit (EB) for i		iest
Estimated	EB Amount \$23 Violation Final Pen	alty Total \$1,000
	This violation Final Assessed Penalty (adjusted f	or limits) \$1,000

	i e e E	onomic	Benefit	work	sheet	100	
Respondent	Ascend Perform	mance Materials	Operations LLC	CONTRACTOR CONTRACTOR	CONTRACT CONTRACTOR OF SECURITIONS O	A A SOUTH STREET, A SOUTH A SOUTH STREET, SAN THE STREET, SAN	
😀 📲 Case ID No							
Reg. Ent. Reference No						PROGRAMMENT OF SHIPPING OF THE STATE OF THE SHIPPING OF THE SH	
Media	(C)					Percent Intere	st Years of
Violation No	23 Navastaus and 1981					46.41.484.31.31.00 TO	Depreciation
				ADMINISTRA		Single-control of the second s	.0 15
	Item Cost	Date Required	Final Date	Yrs In	terest Save	d Onetime Cost	s EB Amount
Ttem Description	i No commas or \$				1 ( 196 )		
				ancerements of			
Delayed Costs				0.00	40	\$0	\$0
Equipment Buildings	Distriction of the State of the	Participation than, by a breather and the best of the property of the st	Section Augmentation (Section )	0.00	\$0 \$0	*	\$0
Other (as needed)	-Energy Code Character	EXCLUSE SELECTION	rembaskarnikea.	0.00	\$0	so si	\$0
Engineering/construction	TOTAL SECTION	BAMARIST TOTAL	441-0345-1994 <b>-</b>	0.00	\$0	\$0	≠a = 10.0V <b>\$0</b> =
Land				0.00	\$0		\$0
Record Keeping System	\$250	30-Dec-2011	31-Oct-2013	1.84	\$23		\$23 \$0
Training/Sampling Remodiation/Disposal		ika se peda daga mpadaa d Mariet da Salata dan da	complete or expelled by their	0.00	\$0 \$0		\$0
Permit Costs	Philip Gradiera (2002) hat	resultation less.	octics), Consulting the	0.00	\$0	27.00.00.0234.20	\$0.13 \/A
Other (as needed)	Sowan Apakhar Caris	MESONAL MYS 4 ACTOR	rasposacioni materiale		4 14 <b>3</b> 0 - 14 1 - 1	PENG MANAGERS	**************************************
	Ectimated co	Line Control Control	he recordicent	a cyclem	for cultiniftal	of complete and a	curate deviation
Notes for DELAYED costs						report was due a	
HOLES TO DELATED COSES	Manager Contract of the				of compliance		
THE CONTRACTOR OF THE PARTY OF	Androes conserv		PASSALPS Windstellig	ROBINES POR	Sapita pen Karalah Sa	ghtiggggggggattettatthattagggggattettaggg	
Avoided Costs		IZE [1] avoided	costs before			for one-time av	
Disposal	Manifold Street and project of	Manterbal Propertions	Talanda ayane estad	0.00	\$0 \$0 \$0	- \$0 × 50 × 10 × 10 × 10 × 10 × 10 × 10 × 1	\$0
Personnel Inspection/Reporting/Sampling	graficação de como gara meio de los comos	urusktorideksiyödetek urusktorideksiyödeteksiy	inggeraken inga Anggaranga	0.00	\$0.00		50 × 50
Supplies/equipment	A Carling Condets		Twa servaga hila a	0.00	\$0		\$0 /
Financial Assurance [2]	ensellente bereite	Article (Sept.)	nperio	0.00	\$0 1/11		\$0.
ONE-TIME avoided costs [3]	year terminal property	grangegentwell}	Karathan Kalambi	0.00	\$0		\$0
Other (as needed)	The best of the state of the latest	an'i alternacione est des	en e	0:00	n (1. <b>\$0</b> ° (1.4	4 H. Ann. \$0 8	Silandas <b>\$0</b> PUSU
	Tilliggi Memoratoria Sanki silki di Sanki			HYKK			
Notes for AVOIDED costs							ACAPTATION CINAPEL
र शास्त्र कालकारण के नाम है। ये गाँव जारा स्थानकार आर्मार्थिक विशेषिति विशेषित		ljeljačina PAL-Gra				ander Combre (1979) Carrella State (1984)	ATTENDED TO THE STATE OF THE ST
N <sub>m</sub> ,	Total same same		see as the ACPA, A. Halli				Anna material principal and section of
	r		1	2002 per 192		**************************************	400
Approx. Cost of Compliance		\$250			TOTA		\$23]
	-						

Screening Date		Docket No. 2012-1543-AIR-E	PEW
Respondent Case ID No.	Ascend Performance Material	s Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.	da d		PCW Revision August 3, 2011
Media [Statute]			
Enf, Coordinator Violation Number			
Rule Cite(s)	Table 1 Cabase of the Cabase of Constitution		Legin two wint
	30 Tex. Admin. Code §§ 19 Safety Code § 382,085(b), 4	01.20(2), 116.115(c), and 122.143(4), Tex. 0 CFR § 63.10(d)(5)(l), FOP No. 0-2321, STO	Health &
	and 18, and NS	R Permit Nos. 18251 and N-011, SC No. 5	
Violation Description	December 31, 2011 reporti	nutdown, and maifunction report for the July ng period within the required timeframe. Sp	ecificativ.
Total of Description	the report was due by Janu	ary 30, 2012 but was not submitted until Fel	oruary 7,
		2012,	
		Bas	e Penalty \$25,000
>> Environmental, Proper	ivang kuman kealin		•
	Harm	·····································	
OR Release	Major Moderate	Minor	
Potential	Berendertrief biskreinings	Percent 0.0%	
>> Programmatic Matrix			
Falsification	Major Moderațe	Minor	
All logical facilities in the second of the		Percent 15.0%	
Matrix	100% of the rule	requirement was not met.	
Notes		requirement was not met.	et va Talana eta eta eta eta eta eta eta eta eta et
		Adjustment	\$21,250
	and the contraction of the state of the stat		
			\$3,750
Violation Events			
Number of V	Iolation Events	Number of violation	days
	dally Bornesses		
	weekly &		
mark only one with an x	o quar é ly a	Violation Base	Penalty \$3,750
	Semiannual Statement		
	singlerevents x		•
\$2000 Pro 1880 B. 2010			#60000-00-pan
	One single e	vent is recommended.	
Good Faith Efforts to Comp	A COMPANY OF THE PROPERTY OF T	leduction OV to EDPRP/Settlement Offer	\$937
	Extraordinary	OV to Lorry section of the	
	Ordinary		
		nark with x)	
		ent returned to compliance on February 7, the NOE is dated December 7, 2012.	
		Violation	Subtotal \$2,813
Economic Benefit (EB) for	ihis violation	Statutory Limit	Test
Estimate	d EB Amount	\$0 Violation Final Pena	ity Total \$6,563
		tion Final Assessed Penalty (adjusted fo	-
	····· VIOII	That Assessed Femaley (adjusted to	r limits) \$6,563

	E	conomic	Benefit	Work	sheet		
	Ascend Perfor	mance Materials			na ing panggangganggangganggangganggangganggang	end is the agreement for year of more semiliar researches	
Gase ID No				-		•	
Reg. Ent. Reference No		2					
Media	3:10					Percent Intere	Years of
Violation No	4	average programme faithers follows a filler or follows.	pulser madifications of the party and the pa	owner and a substitution of the substitution o	. waxayada kalama kalama kata ka		Depredation
	1000					5.	.0 15
	Item Cost	Date Required	Final Date	Yrs In	terest Saved	Onetime Costs	EB Amount
1tem Description	1. No commas or		1981			and the second	
Control of the Contro							
Delayed Costs		hwaran.					
Equipment	strate, otas projeva	a inagenta geografia	etre in Schmadin actu	0.00	\$0	- ************************************	∵ - <b></b>
Buildings	Jahren Capacitar Polis	, egga saasaasaa	naryca maresicisa	0.00	\$0 %	S 50 50	₽ <b>- 2.150</b> - 2.
Other (as needed)	প্রসমূধ্যটি তেওঁ করিছ	n sesta trapaça v	t Adequate the deployment	0.00	\$0	\$0	31 \$100 <b>≈\$0</b> . □
Engineering/construction	រៀរភូមិក៏ដើម្បីទី១៩៩១	r Maharipalikan	Private priparawa.	0.00	\$0	\$0	\$0.50
Land	Refrigient (being 120 d	z jársuja dáprástpája		0.00	\$0		\$0
Record Keeping System	\$250	30-Jan-2012	7-Feb-2012	0.02	\$0 5		\$0 - 11
Training/Sampling	· . e Mest varibilitation i	i Bela Ci 40 Ali ngyahana		0.00	\$0		\$0
Remediation/Disposal	ortical constitution at the		ning. Here typingly galax	0.00	\$0 \$0		\$ 333 - \$0 - 445 - 50 - 50 - 50 - 50 - 50 - 50 -
Permit Costs	encory careny		Le Salid Color de la Salidade de la lac-	0.00	\$U \$0		\$0
Other (as needed)	gentario partico de la compansión de la co				The second secon		enale federalis i Albertaini et e e e e
	Estimated cos	st for Improving th	ne recordkeepin	g system fo	or timely subm	ittal of reports. T	he Date Required
Notes for DELAYED costs	is the date	e the startup, shu	tdown, and mal	function re	port was due a	nd the Final Date	is the date of
	71-7652-3954			complianc			
		ssab Nghika sippat hishi		refleche bestrich	a (Section de la California de la Califo	are du tertember	jiy teronga depo payabba debi
Avoided Costs	ANNUAL	IZE [1] avoided	costs before				
Disposal	Tracked Standard trackets	) – je bija je kija neso je ostejaka b	rhistric din oxidit.	0.00	\$0. H	## 1 # <b>\$0</b>   1   # 2	<u> </u>
Personnel	cwiale Balekinekin	o ispagestrikelt seggijaku.	grafteme a lang (Springera)	0.00	រជន <b>់ (១០</b> ០១		○ 44 3 6 <b>\$0</b> 10 €
Inspection/Reporting/Sampling	ar protest teach	t eggalyettestiga (b).	nkrablinjerindre	0.00	14.1\$01	\$0	\$0
Supplies/equipment	programmatically			0.00	\$0	\$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]	Sum Cramarine		As interes or office.	0.00	***\$0 *********************************	Signal den	6 0 <b>60</b> 60 14
Other (as needed)	125 F4 5 C 3 V 5 C 12 L Fe	The first state of the first sta	Survives, terminal behavior of the plants	<u>  U.UU                                 </u>	estantistica in a familia de la	APRALOSO DO ARRESTA E	ng transition of the lands
·							
Notes for AVOIDED costs							
Hand in Handrey Aggs			augustus on dien. Gertot verstallen				egyzagatentatiet (b. 1600) Zanat zanetatentak
					ura edektő édlő	Balton oonee beleer gebijde.	
Approx. Cost of Compliance		\$250	}		TOTAL		\$0
a effective and an entering and an effective and an effet	L		<b>,</b>	• व्यक्तिसम्बद्धाः •	Designation of the Control of the Co	<del></del>	gyang-magagacya dendera man kurak teramanya teraman kelikurakan

Screening Date	31-Jul-2012 Docket No., 2012-154:	3-AIR-E PCW
Respondent Case ID No.	Ascend Performance Materials Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]		
Enf. Coordinator Violation Number		,
Rule Cite(s)		50-02-895-02-886-55-00-0-0-0-0-0-0-
	30 Tex. Admin. Code §§ 101.20(2), 116.115(c), and 122.143(	(4), Tex. Health &
	Safety Code § 382.085(b), 40 CFR § 63.10(e)(3)(v), FOP No. 1 1.A. and 18, and NSR Permit Nos. 18251 and N-011,	C-2321, STC NOS.
	Falled to submit the excess emissions and monitoring system p	erformance report
Violation Description	for the July 1, 2011 to December 31, 2011 reporting period w timeframe. Specifically, the report was due by January 30, 2	ithin the required
	submitted until February 7, 2012.	
		Base Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	-
Release	Harm Major Moderate Minor	
OR Actual		
Potential	Percent	0.0%
>>Programmatic Matrix		Veneza
Falsification	Major Moderate Minor	4 900 0000
	Percent	15.0%
Matrix		
Notes !	100% of the rule requirement was not met.	
	Adjustment_	\$21,250
		\$3,750
Violation Events		
Number of V	olation Events Number of	violation days
	Maliya Marana	
	Weekly commence	
mark only one	monthly.  Quarterly.  Violat	tion Base Penalty \$3,750
with an x	semlannua) (144-14-15-15-15-16-16-16-16-16-16-16-16-16-16-16-16-16-	90,700
**	annual s Single event x	
( <del>)</del>		
	One single event is recommended.	
	VIN SINGS TO REAST RECORDING TO THE	
Good Faith Efforts to Comp	ly 25.0% Reduction	1000
(大) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	Before NOV NOV to EDPRP/Settlement Offer	\$937
	extraordinary	
	Ordinary x (mark with x)	-
	Notes The Respondent returned to compliance on Febru 2012 and the NOE is dated December 7, 201	iary-7)
	v	iolation Subtotal \$2,813
Economic Benefit (EB) for	his violation Statutor	y limitTest
Estimate		nal Penalty Total \$6,563
	Company of the state of the sta	<del> </del>
	This violation Final Assessed Penalty (ad	usted for limits) \$6,563

Respondent		Barrier Er	conomical	Benefit	Wor	ksheet			
Record   R	Respondent	Ascend Perfor	mance Materials O	perations LLC		C. Carrier and Market & Market of Control and		**************************************	
Media Air   Violation No. 5   See the Economic Benefit from Violation No. 4	Case ID No	44659							
Tiem Cost   Date Required   Final Date   Vrs   Interest Saved   Onetime Costs   EB Amount	Reg. Ent. Reference No	RN100238682					2000-200-1-00-0-1-00-0-1-1-0-0	ion des autoritation princip	
Titing Cost   Date   Required   Final Date   Yrs   Interest Saved   Onetime Costs   EB Amount							Percent I	nterest	
Tem Cost	Violation No	5	nt Direction of Section 1 (do not Freedo, to many about 1 The contribute ball of spinal		ele esperar e responsa de seguiros	o (vermous proposalemethickenthiles) despote			Depreciation
Delayed Costs   Equipment						100		5.0	15
Delayed Costs   Equipment Buildings   0.00   \$0   \$0   \$0   \$0   \$0   \$0		Item Cost	Date Required	Final Date	Yrs	Interest Sav	ed Onetime	Costs	EB Amount
Equipment Buildings	Item Description	1 No commas or \$							
Equipment Buildings			- *	,					and the same and t
Other (as needed)	Delayed Costs							排標機	
Other (as needed)		nen vojakadilikiga ia b	motivares a neithfat	pignady akipytyje. Dana'					
Continue   Continue				randaranan Maraja,					
Land		The second secon		n etakin Kalenda (Kiliba)					
Record Keeping System							50	3/55 (SEE ) 18 (SEE	
Training/Sampling			The second secon	and the second					
Notes for DELAYED costs   Disposal Personnel   Disposal Di		5 11 10 12 10 20 10 10 10 10 10 10 10 10 10 10 10 10 10	A STATE OF THE PARTY OF THE PAR	The same of the sa			170		
Notes for DELAYED costs   See the Economic Benefit from Violation No. 4.   See the Economic Benefit from Violation No. 4.		ar war a clentre graf						ve ve	· · · · · · · · · · · · · · · · · · ·
Notes for DELAYED costs		ostova acestrativa i	gunga sarapangangan nang					6 6 6	1500 W. S. C.
AVOIDED costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)    Disposal	Other (as needed)	Tristy Contact (CP), 1885	distriction is and particular.	ggyga signedijest	0.00	is ( \$0 - ≥ i	<b>Ma</b>	20 x 2 251	#448. <b>\$</b> 0.4944.
Avoided Costs   Disposal   Disp		alleria		KILBUTAR	Lagrana	EPENHARIYAN	XPARSING S		ANTONIONE TO
AVOIDED costs  ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)    Disposal	11-1 6 PMI 13/PM annie			a tha Eagrami	Ponofil	from Molatio	n Na A		
Disposal   Personnel   Disposal   Disposal	Motes for DELATED Costs								Transmiller in
Disposal   Personnel		TEPT AS ADDING THE	u danjua nika kisa pojesa.	difference	Uta Castroon	rds. Cray it see		ow which as	
Personnel	krifts i krijesje, ing sambit i digit skip gage gan gripping and mercepiter strategy in 1977 a gripping species of the								
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)  Notes for AVOIDED costs									
Supplies/equipment	* -:	Capacian Marcal Hall		The second secon					
Financial Assurance [2]									
ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs			7 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 -						
Other (as needed) Notes for AVOIDED costs									
Notes for AVOIDED costs		rijas ir dami dalbi ildəridə							
		rencorrence and a	nagyota iya itan yengelen	delilistiselmoksekse	Meznaviyi	Negativit teja telt	ektriklirini.Card	Harlet Syri	raidheachtaigh
						grant eur		AN MARK	
Approx. Cost of Compliance \$0 TOTAL \$0	Notes for AVOIDED costs			eistyje, j	over entit	a Topic Manageria	witati.Ai		
Approx. Cost of Compliance \$0 TOTAL \$0		Directions			Mairus	有相對使物類			
Approx. Cost of Compliance \$0					2000				الجهرين والشهرين والمهارية
	Amerox, Cost of Compliance	· ·	<u></u>		樂	TOT	ă i		\$0
	ander the season and the season seems of the s	I	***************************************		i in the second	(1915 - <del>Million Brein Statistical Control</del>	1905)		

,	eening Date		Docke	<b>t No.</b> 2012-1543-AIR-E		<b>GW</b>
	Respondent Case ID No.	Ascend Performance Mate	erials Operations LLC		Policy Revision 3 (September	
Reg. Ent Pa	case 10 No. eference No.	6			PCW Revision August :	3, 201
	lia [Statute]					
		Heather Podlipny				
	lation Number	Mary 69-11-15				
	Rule Cite(s)	So Lext Mulling Code 8	122.143(4), Tex. Heal -2321, STC Nos. 3(A)	th & Safety Code § 382.08 (iv)(1) and 3(B)(iv)(1)	l5(b), and	
Violati	on Description	2011 (July 1, 2011 to Transfer Operations and of 2011 (October 1, 2 Catalyst Transfer Opera	September 30, 2011) the Solid Waste Treat 2011 to December 31, tions and the Solid Wa	servations during the third for the Acrylonitrile Unit 3 ment Unit, during the four 2011) for the Acrylonitrile aste Treatment Unit, and c arch 31, 2012) for the Soli nit.	Catalyst th quarter Unit 3 Juring the	
				Bas	se Penalty \$2	5,00
> Environme	antal/Proper	ty and Human Heal Harm	th Matrix			
	Release	Major Moderat	ė Minor			
OR	Actual Potential			Percent 7.0%		
>Programm	atic Matrix Falsification	Major Moderato	e Minor			
	Midging a copyrighted		The second secon	Percent 0.0%		
Matrix Notes	Human healt which would no	ot exceed levels that are p	or could be exposed to rotective of human he sult of the violation.	Insignificant amounts of palth or environmental rece	ollutants ptors as a	
				s Adjustment	\$23,250	
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		TALLE TALLE THE THE TALLE				
					<u> </u>	1,75
iolation Even	ts 🗼 🔻					
	Number of V	lolation Events	18	Number of violation	days	
	mark only one with an x	ceally weekly a control of the contr		Violation Bas	e Penalty \$	5,25
	Three single	events are recommended observat	, based on the numbe dons were not conduct	r of quarters that VIsible e ted.	mission	
ood Faith Eff	onis to Comp	A COMPANY OF THE PROPERTY OF T	% Reduction 2000 and		\$ 2600	1,31
	4	Before NOV  Extraordinary	/ NOV to EDPRP/Settleme	ent Offer		
	·	Ordinary		Maria No.		
		N/A	(mark with x)			
			indent returned to con d the NOE is dated De	npliance on April 1, 2012 cember 7, 2012.		
		1 <del></del>		Violation	Subtotal \$	3,93
onomic Bene	fit (EB) for	his violation		Statutory Limit	Test	
	Estimate	d EB Amount	\$6	Violation Final Pena		9,18
		This v	iolation Final Asses	sed Penalty (adjusted fo	or limits) to	9,18
						-/10

	E	conomic	Benefit	Work	sheet		
Respondent		mance Materials		(electric en printip (Improver)	CARE SERVICE S	and the second s	en university of the plant of the property of
Case ID No.	44659						
Reg. Ent. Referenc <mark>e</mark> No.	RN100238682						
			•			Percent Interes	Years of
Violation No.	× .					Percent antere	Depreciation
						5.	0 15
		Date Required	Clast Nata	Vie to	terest Saved	The second secon	THE REPORT OF THE PARTY OF THE
		Date Kediner	. I illai Date				
Item Description	No commas or \$						
				53/5/2004/15/9/5/	Haraga and Anglant		
Delayed Costs				0.001	\$0	\$0	\$0
Equipment Bulldings	n, ili ada ini ini ili ili ne me wasili. Teologia di Basalia di Santa	Territoria e francisco. De marcollo e la celo de la celo	gag sky projection	0.00	\$0 \$0	50 T	\$0
Other (as needed)	Companies and Companies	Carrier Contract Angle	The speciment of the Physics	0.00	\$0	\$0	50 0
Engineering/construction	n karos apagent	, Arijas da riandonia va gV	erang Jaan bagga (Pa	0.00	\$0	\$0	\$0
Land	gagger, et die Weeyan,	Egypterson Loc.	diangly general his	0.00	\$0		\$0
Record Keeping System			nggrinding og kang	0.00	\$0		<b>*</b> - \$0
Training/Sampling	ragginianos no ne	nit esperante productive wile		0.00	\$0		\$0
Remediation/Disposal	na isan menggara	Janai jana ji dheeti kijishid	- date markatikalister	0.00	\$0	165	72 72 14 <b>(\$0</b> - <b>1</b> )
Permit Costs	tinggalen bidelendig	navjes autjeniama a eu	SHIP WANSHIELD	0.00	\$0 7 7		\$0.00
Other (as needed)	\$250	30-Sep-2011	1-Apr-2012	<u>  0.50                                      </u>			4. Hall \$6 . T. A.
Notes for DELAYED costs	Estimated co conducted	ists of Implement I. The Date Requ	ing procedures i lired is the first	o ensure o late of nor compliance	i-compliance a	e emission observ and the Final Date	ations are being is the date of
						for one-time avo	Idad racte)
Avoided Costs		AE POPROJUE			\$0	\$0	\$0:
Personnei	April 12 Fores Square	e a mazulikan besamban san	offer the territory of the	0.00	. n .\$0	\$0.3	\$ \$ \$ <b>\$ 0</b>
Inspection/Reporting/Sampling	negsønæreddefere.	in we know a regularity	taki saga Mitarjatan	0.00	· \$0 · ·	74.55. <b>50</b> .5445.	6 3-30 8 <b>50</b> - 6 Vi
Supplies/equipment	eart at filteer.	regionality design.	yeri bi garayirmi	0.00	Salah: <b>\$0</b> ,0 kemba	3645 5 <b>0</b> 27 26	\$ \$ \$0
Financial Assurance [2]	virulabet di récit.	graff althropi sylvin	Del Service (Str April 1986)	0.00	\$0	\$0 ± 30	
ONE-TIME avoided costs [3]	nakan karangiria		Personal representative public	0.00	\$0	\$0	\$0
Other (as needed)			Mary Spring Section	0.00	/de // <b>\$</b> 0 = 144 €	50	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$250		#12.48 20.48	TOTAL		\$6

Z

Respondent Ascend F Case ID No. 44659	Docket No. 2012-1543-AIR-E	
RETENDED AND ARRESTS AND ARRESTS AND ARRESTS AND ARRESTS	erformance Materials Operations LLC	Policy Revision 3 (September 2011)
NOTE TO A CONTROLLER SERVICE CONTROL AND A CONTROL WAS A CONTROL AND A SERVICE AND A CONTROL AND A C		PCW Revision August 3, 2011
Reg. Ent. Reference No. RN10023	8682	
Media [Statute] Air		
Enf. Coordinator Heather	Podlipny	
Violation Number 7		
Rule Cite(s) 30 To	ex. Admin. Code §§ 101.20(1) and (2), 115.126(1)(B), 116.115	(c), and
122.143	4), Tex. Health & Safety Code § 382.085(b), 40 CFR §5 60.18(c	:)(3)(II) and
63.11(b	)(6)(II), FOP No. O-2321, STC No. 1.A., and NSR Permit Nos. 18	251 and N-
I MANAGE	011, SC Nos. 5 and 19A	
ran in the state of the state o	led to maintain the flare net heating value above 300 British The	ermal
_Units/s	andard cubic foot ("BTU/scf") for Flare Nos. 3027 and 3124. Sp	pecifically,
Violation Description the net I	neating value for Flare No. 31Z4 dropped below 300 BTU/scf on	September
	11 for one hour and on October 13, 2011 for one hour. The net	
value for	Flare No. 3027 dropped below 300 BTU/scf on March 9, 2012 fo	er one hour.
		\$ \$ \$ \$ 0.000 \$ \$ \$ 0.000 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
	Bas	se Penalty \$25,000
>> Environmental, Property and	Human/Health Matrix	
	Harm	
Release Majo		
OR Actual Potential		7
Foteridal	Percent 15.0%	J
>>Programmatic Matrix		
Falsification Majo	r Moderate Minor	
CONTRACTOR	Percent 0,0%	1
		J
Human health or the e	nvironment has been exposed to insignificant amounts of polluta	nets which
do not exceed levels the	it are protective of human health or environmental receptors as	a result of
Notes	the violation.	
		المستند المستد المستند المستند المستند المستند المستند المستند المستند المستند
	Adjustment .	\$21,250
		\$3,750
Violation Events		
•	Number of violation	days
. Bodenstein over		
as a daily		
# Week		
mark only one		
with an x	Violation Bas	se Penalty \$7,500
emen Mile Te	Transportation	
	Control of the Contro	
A Short Alex		j
<u>Æşinğle al</u>		
ksinole gi	병학 보험할 것도 생활한 등을 내려고 있는 그는 무슨 물론을 하는 것 같아요. 학생 등을 받는 사람들은 한 일반을 받는 것은 모양이다.	
Asingle a	uarterly events are recommended (one for each flare).	
Two c	uarterly events are recommended (one for each flare).	
	25.0% Reduction	\$1,875
sood Faith Efforts to Comply	25.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$1,875
sood Faith Efforts to Comply Extraordir	25:0% Rediletion  Before NOV NOV to EDPRP/Settlement Offer  ary	\$1,875
sood Faith Efforts to Comply Extraordir	25:0% Reditation  Before NOV NOV to EDPRP/Settlement Offer  ary	\$1,875
sood Faith Efforts to Comply Extraordir	25:0% Rediletion  Before NOV NOV to EDPRP/Settlement Offer  ary	\$1,875
sood Faith Efforts to Comply Extraordir Ord	25:0% Reddletion  Before NOV NOV to EDPRP/Settlement Offer  ary	\$1,875
sood Faith Efforts to Comply Extraordir Ord	25.0% Reference Before NOV NOV to EDPRP/Settlement Offer ary X N/A (mark with x)	\$1,875
sood Faith Efforts to Comply Extraordir Ord	25.0% Redultion  Before NOV NOV to EDPRR/Settlement Offer  ary X (mark with x)  The Respondent returned to compliance on March 9,	\$1,875
iood (Faith) Efforts to Comply Extraordir Ord	25.0% Redultion  Before NOV NOV to EDPRR/Settlement Offer  ary X (mark with x)  The Respondent returned to compliance on March 9,	ercaninary and the control of the co
sood Faith Efforts to Comply  Extraordir  Ordi	25.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer ary X N/A (mark with x)  The Respondent returned to compliance on March 9, 2012 and the NOE is dated December 7, 2012.  Violation	Subtotal
sood Faith Efforts to Comply  Extraordir  Ordi  N  Conomic Benefit (EB) for this Vio	25.0% Reditation Before NOV NOV to EDPRP/Settlement Offer ary X (mark with x)  The Respondent returned to compliance on March 9, 2012 and the NOE is dated December 7, 2012.  Violation  Statutory Limit	Subtotal
sood Faith Efforts to Comply  Extraordir  Ordi	25.0% Reditation Before NOV NOV to EDPRP/Settlement Offer ary X (mark with x)  The Respondent returned to compliance on March 9, 2012 and the NOE is dated December 7, 2012.  Violation  Statutory Limit	Subtotal \$5,625
conomic Benefit (EB) for this vio	25.0% Reditation Before NOV NOV to EDPRP/Settlement Offer ary X (mark with x)  otes The Respondent returned to compliance on March 9, 2012 and the NOE is dated December 7, 2012.  Violation  Statutory Limit	Subtotal

	E	conomic	Benefit	Work	sheet		
Responden		nance Materials		ATTACK PERSONS AND AD-	Hardware But is the Burg of the Children State of the	the deficient to the property is give the property of the con-	To The Committee of the
Case ID No			•	-	•		
Reg. Ent. Reference No	RN100238682					•	
Media							Years of
Violation No.	533	•				Percent Interest	Depreciation
						5.0	15
						Dnetime Costs	EB Amount
		THE RESERVE OF THE PARTY OF THE	Fillal Date	IIS III	ei est Saveu	Official Costs	
Item Description	l = No commas or \$			teras Kirilla			
				Parastra de la composição			
Delayed Costs				l 0.00 l	\$0	\$0	\$0
Equipment Buildings	da de seu de la composición del composición de la composición del composición de la	Provide Constant State State  Website State State State State  Website State S	unite de la	0.00		- 50 - 50 - 50	\$0
Other (as needed)	hite para demonstration	Seller, Some ser trestment	Tale Aligner - National Profession	0.00		- <b>50</b>	\$0
Engineering/construction	con prejeda likida kon be	SASSEST CONTRACTOR	Talking mention (Albert Medical Control	0.00	\$0 - I	\$0	<b>30</b>
Land	negacysurum	Symplectic Symplectic Systems		0.00	\$0:		81458 19 <b>\$</b> (0.4411.24)
Record Keeping System	Carpityrapian subsylet	National Association		0.00	/s0 , = 1		\$0
Training/Sampling	TO BE TO SHARE SHOW		signosusta, per serie	0.00	s0 💮		\$0.
Remediation/Disposal	in viscovity (vi		est, safteen omer	0.00			: 10:0 <b>\$0</b> 16:0
Permit Costs	grave the establishment for	CHILD OF WARRING	i i grad dia assa Matalagenda	0.00	\$0		2-0-0-50-1-0-1 
Other (as needed)	Carrier Storet History	Zaroho posemerostritus.	Prijajno i ilginosta in ja- om medaraka ameloka il	<u> </u>	30		30
•							43 / Earl (1991 12 / 1992)
Notes for DELAYED costs		See the Econ	omic Benefit on	Violation No	o. 1 of the acc	ompanying PCW.	
			Section of the sectio				
						or one-time avoi	
Avoided Costs	ANNUAL	ZE   Ly avoided	ECOSIONES DE LO RESE	0.00	* \$0	oraniestane avoi	\$0.
Disposal Personnei	avbarvinies, ii g	nagona tika-dagang pagabaya	erekahan megalasa umeny	0.00	\$0	\$0	\$0 /2
Inspection/Reporting/Sampling	Assertation (Automotive	. Saretirne i South	referablisme face as	0.00	\$0	384 SO SE 45	3-1-5 <b>\$</b> 0-11-5
Supplies/equipment	San Del Vicens	Den Kantalist (n. 1866) (Ness		0.00	4# <b>\$0</b> (16 )	\$0	\$0
Financial Assurance [2]		A Standard manager	, e e per per de l'écrès de la constant de la cons	0.00	\$0	\$0	\$0.
ONE-TIME avoided costs [3]		THE STATE OF STREET STATE	page organistic or an	0.00	\$0	\$0	\$0
Other (as needed)		avelong transmitted	ale managementals	0.00	\$0 <b>  </b>		**************************************
			c and comment of the			Parantana da 1914 (1916) Parantana da 1914 (1914)	
Notes for AVOIDED costs							
MORES TOT MACKETED CORE						Alan Mospher (1941) Alan Mospher (1941)	
	FREE BUILDING	r-jejiklihitki je j		addungtad			FREE CASTROLES CONTRACTOR
				gangi isang	and the second s		
Approx. Cost of Compliance		\$0			TOTAL	<del></del>	\$0
					,		

Screening Pate		CO-PART HICKORYCENSON
Respondent Case ID No.	Ascend Performance Materials Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.	V	PCW Revision August 3, 2011
Media [Statute]	V-	
Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.0	85(b):NSR
	Permit No. 48895, SC No. 1, and FOP No. 0-2325, STC No. 1	9.000
	Falled to prevent unauthorized emissions during an excessive emissions	event that
	occurred on May 29, 2012 (Incident No. 168998). Specifically, 2,660.6 381.5 lbs of HCN, 177.79 lbs of acrolein ("AR"), and 29,15 lbs of ace	7 lbs of AN,
Violation Description	("ACN") were released from CT6 during the event that lasted 2 hours	s and 40
	minutes. The event occurred due to corrosion/erosion of the heat excha	inger's steel
	support baffles causing the tubes to fall, resulting in a leak from	ст6.
View	· · · · · · · · · · · · · · · · · · ·	se Penalty \$25,000
		325,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	<b>Harm</b> Major Moderate Minor	Administrative
<b>OR</b> Actual		
Potential	Percent 100.0%	
>>Programmatic Matrix		Î
Falsification	Major Moderate Minor	,
Estimate Control Contr	Enteropy Percent 0.0%	
(Section Section Control of Contr		
Based on mo	deling data provided by the Respondent, the short-term ESLs for AN, HC	N, and AR
Matrix Were exceeded	; therefore, human health or the environment has been exposed to pollu	tants which
Notes exceed level	s that are protective of human health or environmental receptors as a res violation.	sult of the
	Violation,	
	Adjustment	\$0]
	augustuen.	301
		\$25,000
Violation Events		
	Number of violation	n days
	delly.	1
	weekly to the second	
mark only one	thoritily: Revenues	
with an x	Guartery Violation Bar Samanuali	se Penalty \$25,000
	aupua) ( Proposition	
	Single eyents	
		and the same same
	One daily event is recommended.	7.150 (6.181) + 1.10 (1.181) China (1.181) + 1.10 (1.181) China (1.181) + 1.10 (1.181)
Good Faith Efforts to Comp	14 25.0% Reduction	\$6,250
,	Before NOV NOV to EDPRP/Settlement Offer Extraordinary	
· ·		i i
	Andinamili Harris Christilli treferita Harris Schridt II	
	Ordinary x N/A (mark with x)	
	N/A (mark with x)	
	N/A (mark with x)  Notes The Respondent returned to compliance on July 4, 2012	
	N/A (mark with x)  The Respondent returned to compliance be 144, 4, 2043.	
	N/A (mark with x)  Notes The Respondent returned to compliance on July 4, 2012 and the NOE is dated February 1, 2013.	Subtatal #10.750
	N/A (mark with x)  The Respondent returned to compliance on July 4, 2012  Notes and the NOE is dated February 1, 2013.  Violation	Subtotal \$18,750
Economic Benefit (EB)/for	N/A (mark with x)  The Respondent returned to compliance on July 4, 2012  Notes and the NOE is dated February 1, 2013.  Violation	
Economic Benefit (EB) ford Estimate	N/A (mark with x)  Notes The Respondent returned to compliance on July 4, 2012 and the NOE is dated February 1, 2013.  Violation  This violation  Skaturory Limit	tTest
and the second s	N/A (mark with x)  Notes The Respondent returned to compliance on July 4, 2012 and the NOE is dated February 1, 2013.  Violation  (his violation \$50 Violation Final Pen	tiTest alty Total \$43,750
and the second s	N/A (mark with x)  Notes The Respondent returned to compliance on July 4, 2012 and the NOE is dated February 1, 2013.  Violation  This violation  Skaturory Limit	t Test alty Total \$43,750

	E C	conomic	Benefit	Work	sheet		
Respondent		nance Materials		Antistration of the second	and a family of the second	entrigger and of the property of the specific property of the second section of the se	Annual Control of Particle of the State of t
Case ID No						•	
Reg. Ent. Reference No	RN100238682			•			
Media					**	Percent Interest	Years of
Violation No.	8	annen er en		razila sahishiora mani wasilar			Depreciation
allo and the state of the second		<b>v</b>		and the		5.0	A STATE OF THE PARTY OF THE PAR
	Item Cost	Date Required	🛮 🎖 Final Date 🔻	Yrs Int	erest Saved	Onetime Costs	EB Amount
Item Description	I No commas or \$						
Delayed Costs				gar is			
Equipment	Participation of Children's	alging sign optoged tryingstagta		0.00		2444) 76 <b>\$0</b> 150 314	1000000 <b>\$0</b> -00046
Buildings	acoto estimbilidas (ficti	AND SECTIONS	general process design	0.00	\$0	50 (C)	\$0 \$0
Other (as needed) Engineering/construction	na grani transfer diagrafia ministrativo diagrafia	Residenti describitados. Por esta de consensados de	ur siyda yeti yetiyatiyati Seriya urun sabas	0.00	\$0 \$0	\$0	\$0
Land				0.00			\$0
Record Keeping System				0.00	\$0 ×		\$0
Training/Sampling	neskas parjūšijas	villing finalised	professorations	0.00	\$0		\$0
Remediation/Disposal	Described Strainly	AME LESSE SEQUE	genialisticani	0.00			20459\$0 75345 20459\$079453
Permit Costs Other (as needed)	50.000 000 07 a 000 ban	Tary (1985) The sales of sales in Notice (1985) The Soles of Sales (1985)	Salarettate the trains	0.00	ાક0 ૄા ે ાક0ા ાહ		1 S0
Other (as needed)	Far Rouge Substrate of the	ACCOMPANY CAMPAGE	tare no se se su constante de	4 h2 4 1 i i 1 a 1 5 1 5 5 1			
	ver en						
Notes for DELAYED costs	a natural sale	See ti	he Economic Ber	ierit on Viol	ation No. 1 or	tnis PCW.	
	Servin it week		arda a de esta	ija biya (iki	la juli de Araga	arasatin	rayawaya ya Falkabi
Avoided Costs	ANNUAL	(ZE [1] avoided	t costs before o	entering It	em (except	for one-time avol	ded costs)
Disposal		(Krasicitos) "Elfaricitaet)	prima www.mangay	0.00	\$0	\$0	\$0
Personnel	r in Africa participante Andr.	Hearigh Erwangs (1996)	esperiencia single input print	0.00		- 13. <b>\$0</b> 3.555	*** <b>***</b>
Inspection/Reporting/Sampling	( - Y   P	na birra pagaka		0.00	\$0 ' \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]		en on frankling.		0.00	\$0 *0	**************************************	30
ONE-TIME avoided costs [3]	Suita Status State of	greet the second		0.00	\$0.00	\$0 0 0 0	\$0
Other (as needed)	perhabition used	et de ambet in Mil		0.00	\$ \$0	*0	13 25 6 \$Q 15 14 co.
		Antografia Serviciani	医异合物外侧角膜		dryk-slaendy r		95 9144414 1657
Notes for AVOIDED costs							
Motes for wanters costs		) (1,031) see sees eers eedhor. Talaan S			neral de la companya		
	<b>新春年的新疆</b> 特	ternetal de la companya de la compa		Simonia, ire 1474.		e grade Teleperatur	
			1	SECTION	entratement de la contacta		
Approx. Cost of Compliance	·	\$0	]		⊨ ; TOTAL		\$0
			-				

Screening Date		3-AIR-E PGW
Respondent Case ID No.	Ascend Performance Materials Operations LLC	Policy Revision 3 (September 2011)
Reg. Ent. Reference No.		PCW Revision August 3, 2011
Media [Statute]		
Enf. Coordinator Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code	§ 382.085(b), and
	NSR Permit Nos. 18251 and N-011, SC No. 1	
Violation Description	Falled to prevent unauthorized emissions during an excessive en occurred on September 1, 2012 (Incident No. 173029). Specific of AN, 1,068.02 lbs of carbon monoxide, 92.59 lbs of ACN, 544. 75.09 lbs of propylene, and 96.72 lbs of HCN were released fro Unit 2 Waste Heat Boller ("WHB") EPN 30H5 during the even minutes. The event occurred when AN process material contains the condensate outlet stream through a leak in heat exchange migrated into the absorber column. The contaminants eventua the WHB, where they were combusted, causing a temperature. The WHB tripped off-line, and the absorber off-gas was diverte vent, resulting in the release of the unauthorized em	cally, 13,209.79 lbs 98 lbs of propane, in the Acrylonitrile it that lasted 21 ng organics entered if EPN 30E21, and lly discharged into spike in the WHB. d away through a
		Base Penalty \$25,000
>> Environmental, Proper	ty and Human Health Matrix	
Release	Harm Major Moderate Minor	environment and configuration
OR Actual Potential	等時期以 <b>X</b> 设定的证据。所有的总统的证据,而不是指用所谓证	
	Percent	100.0%]
>>Programmatic Matrix Falsification	Major Moderate Minor	
	Percent	0.0%
Zalam Nega ar Albana		
Notes therefore, hur	deling data provided by the Respondent, the short-term ESL for A nan health or the environment has been exposed to pollutants who provided the second of the	nich exceed levels
	Adjustment	\$0
		\$25,000
Violation Events		
er e	olation Events Number of v	
NAMES OF VE	olation Events Number of v	notation days
	foliv	
mark only one	-monthly - 1	
with an x	k (Ualticil) Violati	ion Base Penalty \$25,000
	anayak 1 Perusakan	
	Single events Bacterials	
	One daily event is recommended:	
		- (Magazaran 1995), (C. 1996)
Good Faith Efforts to Comp	Y 0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer	\$0
E	xtraordinary xtraordinary	Transfer of the Control of the Contr
	Ordinary	***
	N/A   X   (mark with x)	0000 Av
	Notes The Respondent does not meet the good faith crite this violation.	Pria for
		olation Subtotal \$25,000
Economic Benefit (EB) for t	nis violation Statutory	(Limit Test
Estimated	EB Amount \$10,932 Violation Fin	al Penalty Total \$50,000
	This violation Final Assessed Penalty (adj	
		42,000

	E	conomic	Benefit	Work	sheet		
Respondent	E Ascend Perforr	nance Materials	Operations LLC	STORY CONTRACTOR OF STATE OF S	THE PROPERTY OF THE PARTY OF TH	Marie Company of the	-
Case ID No	44659				i .		• .
Reg. Ent. Reference No			4.5	٠.			
Media	Alr				-*	Percent Interes	Years of
Vielation No.	9	name of many of a rail and of falcons.	NATIONAL AND	management with the comment	ua mangang kanggang at panggang panggang panggang m		Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	aYrs ₹ Ini	terest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
		September (1990) of the Septem	SCHOOL OF SECTION AND SECTION SECTIONS	20.000000000000000000000000000000000000			
Delayed Costs							
Equipment	\$125.000	1-Sep-2012	1-Dec-2013	1.25	\$521	\$10,411	\$10,932
Buildings	AND STAFFER	properties the graph	Neigh action of the	0.00	\$0	\$0	\$0 \$0
Other (as needed)	<ul> <li>Idhepakh Segalimatan</li> </ul>	and happen and the remaining	Tydofesie chiefy Lucifiesie et 1778	0.00	\$0 \$0	\$0	\$0 \$0
Engineering/construction Land				0.00	\$0		80.00
Record Keeping System	Tyle Marketin or state (A)	Contain Contain	and the color resident for	0.00	3 50 5 - 1	STORY AND	14.23 Av.\$0 865 AV.
Training/Sampling	alien watership in g	de porte de de apartirio	orbital prompte of a public	0.00	1844 <b>\$0</b> 1744 701	transaya waxa	10-24-050 (E8191)
Remediation/Disposal	agreets heady total	. gracijajana popije talij	ij, mij vega tijedh.	0.00	· \$0 · · ·		propries
Permit Costs	- nacepte to thing it is any	Beilpedeingebeigebet.	tojas - s. Brigarjušiji kas	0.00	<u> </u>		Arius <b>;\$0</b> ak-ju
Other (as needed)	agiti inggresser (1942-) yaking sa	ng na kita pingnapipaka Malia		0.00	\$0	5.25 (15.55 A.V.C.)	\$0
	Estimated cos	ts to replace/ret	oulld the heat ex	changer tu	bes and to imp	plement a correctiv	e action plan in
Notes for DELAYED costs	order to brev	ent another occi	irrence of this t	pe of emis	slons event.	The Date Required	Is the date the
	STATE OF THE STATE	emissions even	t began. The Fi	nal Date Is	the estimated	date of compliance	190 - <b>1</b> 00 - 100
	Cates participation		eart folis erones wethe	nama ki wakize ili 167	Miller outsigninger to herbild	enventa marija o i krem in pervije sa jag	region programme and programme and the second
Avoided Costs	ANNUAL	ZE [1] avoided	i costs before	0.00	so •	or one time avo	\$0
Disposal Personnei	aga kangga mayakan	crackted, 24. i-key.		0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		Signal Artificia victori casa	grypuin Yellouler die	0.00	so 💮	\$0 ***	11494-\$0 444-
Supplies/equipment	e paparanta a series	ranges agus a seuten agu	Suuselens, lient	0.00	<b>\$0</b>	\$0	#### <b>##</b>
Financial Assurance [2]	-वर्षान्य म्यूया स्वर्गक विश्वपृष्ट	.ggros, especifición da elect	BERTANGER TO	0.00	\$0	\$0	10 <b>\$0</b> 35455
ONE-TIME avoided costs [3]	r Annag tagang mganagig	giologna jadinose	PRESENTATION OF THE SERVICE	0.00	\$0	(144 % 1 <b>\$0</b>	\$0 50 16 50
Other (as needed)	Carlotterape i sedencial			0.00	* \$0	Jana 4 × ± <b>50</b> - Hard €	111
		Alternativisti in tertigos. Cartino de la comencia de la					995 NG 1014 UNICE 502
Notes for AVOIDED costs				FITTATION OF			
		Marine Leaven (NAM) COLUMNIC (NAM)	ennettiakilarinda. Denetetiak	tta səhirilə öyü Berliya eyleş	MERCANDELLICE		THOMPSON ON CHON 1947
	THE PARTY OF THE PARTY.	1056 01 1646 2001 1040 2104	2115;555400,004900550	THE PARTY OF	. Harry - H. Alfrica in	de la companya di se escale de la companya de escale de escale de escale de escale de escale de escale de escal	
	<del></del>	140000	1	2586			610 022
Approx. Cost of Compliance	1	\$125,000	J		TOTAL		\$10,932
			•				

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Compliance History Report

Regulated Entity:

ID Number(s):

Customer/Respondent/Owner-Operator: CN603482811 Ascend Performance Materials Classification: AVERAGE Rating: 5.30 Operations LLC RN100238682 ASCEND PERFORMANCE Classification: AVERAGE Site Rating: 7.59 MATERIALS CHOCOLATE BAYOU PLANT AIR OPERATING PERMITS ACCOUNT NUMBER BL0038U AIR OPERATING PERMITS PERMIT 1258 AIR OPERATING PERMITS PERMIT 2318 AIR OPERATING PERMITS **PERMIT** 2319 AIR OPERATING PERMITS PERMIT 2321 AIR OPERATING PERMITS PERMIT 2322 AIR OPERATING PERMITS PERMIT 2323 AIR OPERATING PERMITS PERMIT 2324 AIR OPERATING PERMITS PERMIT 2325 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 30138 (SWR) INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD001700806 INDUSTRIAL AND HAZARDOUS WASTE PERMIT 50189 POLLUTION PREVENTION PLANNING ID NUMBER P00445 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200049 WASTEWATER PERMIT WQ0000001000 WASTEWATER **EPAID** TX0003875 AIR NEW SOURCE PERMITS PERMIT 2271 AIR NEW SOURCE PERMITS PERMIT 5084 AIR NEW SOURCE PERMITS PERMIT 6534 AIR NEW SOURCE PERMITS PERMIT 18251 AIR NEW SOURCE PERMITS REGISTRATION 28694 AIR NEW SOURCE PERMITS PERMIT 32151 AIR NEW SOURCE PERMITS REGISTRATION 34029 AIR NEW SOURCE PERMITS PERMIT 38336 AIR NEW SOURCE PERMITS PERMIT 38998 AIR NEW SOURCE PERMITS PERMIT 39171 AIR NEW SOURCE PERMITS **PERMIT** 48895 AIR NEW SOURCE PERMITS ACCOUNT NUMBER BL0038U AIR NEW SOURCE PERMITS AFS NUM 4803900009 AIR NEW SOURCE PERMITS EPA ID PSDTX307A AIR NEW SOURCE PERMITS EPA ID PSDTX910 AIR NEW SOURCE PERMITS REGISTRATION 91893 AIR NEW SOURCE PERMITS REGISTRATION 72689 AIR NEW SOURCE PERMITS REGISTRATION 74040 AIR NEW SOURCE PERMITS REGISTRATION 73707 AIR NEW SOURCE PERMITS REGISTRATION 74788 AIR NEW SOURCE PERMITS REGISTRATION 77064 AIR NEW SOURCE PERMITS REGISTRATION 77079 AIR NEW SOURCE PERMITS REGISTRATION 78148 AIR NEW SOURCE PERMITS REGISTRATION 80379 AIR NEW SOURCE PERMITS REGISTRATION 91882 AIR NEW SOURCE PERMITS REGISTRATION 80616 AIR NEW SOURCE PERMITS REGISTRATION 83875 AIR NEW SOURCE PERMITS REGISTRATION 83109 AIR NEW SOURCE PERMITS PERMIT N011 AIR NEW SOURCE PERMITS REGISTRATION 89881 AIR NEW SOURCE PERMITS REGISTRATION 91873 AIR NEW SOURCE PERMITS REGISTRATION 93079 AIR NEW SOURCE PERMITS REGISTRATION 92085 AIR NEW SOURCE PERMITS REGISTRATION 93222 AIR NEW SOURCE PERMITS REGISTRATION 92173 AIR NEW SOURCE PERMITS REGISTRATION 93420 AIR NEW SOURCE PERMITS REGISTRATION 94736 AIR NEW SOURCE PERMITS REGISTRATION 96419 AIR NEW SOURCE PERMITS REGISTRATION 96655 AIR NEW SOURCE PERMITS REGISTRATION 101954 RADIOACTIVE WASTE DISPOSAL LICENSE RW0219 UNDERGROUND INJECTION CONTROL PERMIT WDW013

PERMIT

WDW224

UNDERGROUND INJECTION CONTROL

WDW318 UNDERGROUND INJECTION CONTROL PERMIT WDW326 UNDERGROUND INJECTION CONTROL PERMIT WDW359 PERMIT UNDERGROUND INJECTION CONTROL TXR05Y499 PERMIT STORMWATER 0200049 LICENSE WATER LICENSING SOLID WASTE REGISTRATION # 30138 IHW CORRECTIVE ACTION (SWR) 79885 REGISTRATION PETROLEUM STORAGE TANK REGISTRATION BL0038U ACCOUNT NUMBER AIR EMISSIONS INVENTORY LOCATED ON FARM-TO-MARKET ROAD 2917 APPROXIMATELY 8 MILES SOUTH OF THE Location: INTERSECTION OF STATE HIGHWAY 35 & FARM-TO-MARKET ROAD 2917, ALVIN TCEQ Region: REGION 12 - HOUSTON August 01, 2012 Date Compliance History Prepared: Agency Decision Requiring Compliance History: Enforcement Compliance Period: August 01, 2007 to August 01, 2012 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 239 - 2603 Phone: Name: Heather Podlipny Site Compliance History Components 1. Has the site been in existence and/or operation for the full five year compliance period? YES NO 2. Has there been a (known) change in ownership/operator of the site during the compliance period? N/A 3. If YES, who is the current owner/operator? N/A 4. If YES, who was/were the prior owner(s)/operator(s)? WA 5. If YES, when did the change(s) in owner or operator occur?

#### Components (Multimedia) for the Site:

6. Rating Date: 9/1/2011 Repeat Violator:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A.

Effective Date: 11/19/2007

ADMINORDER 2005-0166-AIR-E

NO

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to report the November 17, 2004 emissions event within 24 hours after its discovery. Specifically, the emissions event that was discovered on November 17, 2004 was not reported until December 22, 2004 as documented during an investigation conducted from April 22, 2005 to May 2, 2005.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Romt Prov:

TCEQ Air Permit No. 18251, SC#4 PA

Description: Failure to comply with permitted emissions limits during an emisisons event on November 17, 2004.

Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b)

O-02317, ST&C 3A(III) OP

Description: Failure to maintain records documenting quarterly opacity observations of tank 55T12 and scrubber 55K1, as reported in a deviation report for the period of June 1, 2004 through NOvember 30, 2004 for the NTA

Unit.

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter B 115.146(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to maintain records documenting the VOC concentration of the exhaust gas associted with 578T5 in order to demonstrate proper function of the carbon canister control equipment, as reported ina deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)

5C THC Chapter 382, SubChapter A 382.085(b)

Ramt Prov: NSR 2271, GC 8 PERMIT

Description: Failure to comply with the permitted short-term ammonia emissions limits for scrubber 55K1, as reported ina deviationreport for the period of December 1, 2004 thorugh May 31, 2005 for the NTA unit.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116,116(a)(1)

5C THC Chapter 382, SubChapter D 382,085(b)

Rgmt Prov: NSR 2271, GC 1 PERMIT

Description: Failure to comply with the permit representations relating to annual HTMA production, annual ammonia usage, and annual ammonia production, as reported in a deviation report for the period of June 1, 2004

through November 30, 2004 for the NTA unit.

Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.132(e)(2)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failure to include the following emisison units in the Title V application: 55S101, 55S102, 55S103,

and 55S104.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.110(a)

5C THC Chapter 382, SubChapter D 382,085(b)

Description: Failure to obtain authorization for the carbon absorption system on wastewater tank 57T5 prior to installation, as reported in a deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.116(a)(1) Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

General Condition No. 1 OP Rami Prov:

Description: Failure to operate residue strlp tank 57T34 on June 12 and 28, 2004 and August 16, 2004 within temperature ranges specified in the permit application, as reported in a deviation report for the period of Une 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,116(b)(1)(C)

5C THC Chapter 382, SubChapter D 382,085(b)

General Condition No. 8 OP Ramt Prov:

Description: Failure to include all gas streams going to vent condenser 57E22 from exceeding rolling annual permitted emissions limits, as reported ina deviation report for the period of June 1, 2004 through November 30, 2004 for the DPO unit.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov; 18251 and N-011, SC No. 4 PA

Description: Failure to prevent unauthroized emisisons during an October 9, 2005 emissions event.

Effective Date: 01/28/2008

ADMINORDER 2006-1599-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Romt Prov: TCEQ Air Permit #18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during a January 11, 2004 emissions event.

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter D 382,085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)

5C THC Chapter 382, SubChapter D 382,085(b)

Description: Failure to report an emissions event within 24 hours after its discovery.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: Permit No. 18251, SC No. 4 PERMIT

revent uanuthorized emissions during an emissions event that started on November 15, 2004.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THC Chapter 382, SubChapter A 382,085(b)

TCEQ Air Permit No. 18251 PA Ramt Provi

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 1.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116,115(c) Citation:

5C THC Chapter 382, SubChapter A 382,085(b)

Rgmt Prov: TCEQ Air Permit No. 18251, SC #4 PA

Description: Failure to prevent unauthorized emissions during an emissions event that started on November 2,

2004.

Classification: Minor

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Solutia failed to submit an emissions event report within 24 hours after discovery of the event incident No. 68042. Specifically, the emissions event was discovered on November 12, 2005 at 0944, but

was not reported until November 15, 2005 at 1441.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THC Chapter 382, SubChapter A 382.085(b)

No. 18251, Special Condition No. 4 PERMIT

Description: Solutia failed to prevent unauthorized emissions during an emissions event, incident 68043, that

occurred on November 12, 2005 and lasted 1 hour and 25 minutes.

ADMINORDER 2008-0062-AIR-E Effective Date: 05/18/2009

Classification: Moderate

30 TAC Chapter 122, SubChapter B 122.143(4) Citation:

30 TAC Chapter 122, SubChapter B 122.145(2)(A) 30 TAC Chapter 122, SubChapter B 122,146(1)

5C THC Chapter 382, SubChapter D 382.085(b)

O-02319 General Terms and Conditions OP Ramt Prov:

Description: Falled to submit the Annual Compliance Certification for the period of beginning November 29, 2004 through November 28, 2005, with the required certification language. In addition, Solutia failed to identify this deficiency in the semi-annual deviation report for the time period of November 28, 2005 through May 28, 2006.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116,115(c) Citation:

5C THC Chapter 382, SubChapter D 382.085(b)

Rgmt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, 98.7 pounds ("lbs") of hydrgen cyanide, 357.4 bs of acrylonitrile, and 5 ibs of acrolein were released when Solutia failed to open the manual block valve during crossover of Acrylonitrile Unit 3 off gas to the Acrylonitrile Unit 2 Waste Heat Boiler resulting in the over pressure of the system, causing an emissions event which began on August 5, 2007, and lasted for five minutes (incident No. 95610)

Classification: Minor

30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B) Citation:

5C THSC Chapter 382 382.085(b)

Description: Failed to submit the initial notification within 24 hours of discovery of an emissions event that started on August 5, 2007. Specifically, the incident started and ended on August 5, 2007, but the initial notification was not submitted until August 8, 2007.

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c) Citation:

5C THSC Chapter 382 382.085(b)

SPECIAL CONDITION 4 OP

Description: Falled to comply with a permit limit of 4.50 pounds per hour ("lbs/hr") for NOx emissions from the AN-7 Process Air Startup Heater ("70H101-1"). Specifically, it was determined that NOx emissions from 70H101-1 were 5.39 lbs/hr.

Classification: Minor

30 TAC Chapter 117, SubChapter G 117,8000 Citation:

5C THSC Chapter 382 382.085(b)

Description: Failed to test for compliance with the carbon monoxide ("CO") emission limits for 70H101-1 during the reference method stack test conducted on February 19, 2007.

Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382,085(b)

Ramt Prov:

18251/Special Condition 4 PERMIT

Description: Falled to prevent an unauthorized emissions event which occurred on September 26, 2007. Specifically, approximately 189 lbs of acrylonitrile ("AN"), 308 lbs of hydrogen cyanide ("HCN"), and 258 lbs of volatile organic compounds ("VOCs") were relesed from EPN 30H5 during the 36 minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

5C THSC Chapter 382 382,085(b)

Romt Prov: 18251/Special Condition 4 PERMIT

Description: Failed to prevent an unauthorized emissions event which occurred on October 30, 2007. Specifically, approximately 99 lbs of acrylonitrile ("AN"), 210 lbs of hydrogen cyanide ("HCN"), and 535 lbs of volatile organic compounds ("VOCs") were released from EPN 30H5 during the one hour and nine minute event. The emission limits for AN, HCN, and VOCs are 2.09, 1.26 and 12.04 lbs/hr, respectively.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

5C THSC Chapter 382 382.085(b)

Ramt Prov:

18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions on November 26, 2007 when the secondary pump, Pump 350P1-3 failed to start automatically when the primary boiler feed water pump, Pump 350P1-2 failed. Specifically, during the emissions event which lasted five minutes, the total unauthorized emissions were 355.59 lbs of VOCs and 50.54 lbs of hydrogen cyanide.

Classification: Major

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: Permit 6534, Special Condition 1 PERMIT

Description: Falled to comply with the combined maximum allowable emission rate ("MAER") for NOx for seven Linear Alkyl Benzene ("LAB") Unit heaters during stack testing conducted on February 27-28, 2007 and March 1-2 and 14, 2007. Specifically, the combined NOx MAER for Heaters 50H1-1, 50H1-2, 50H1-3, 50H3, 51H1, 51H5 and 51H6 is 18.0 lbs/hr. During testing, the actual combined rate was 21.85 lbs/hr.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101,20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Romt Prov: TCEQ Permit 38336 Special Condition 4 PERMIT

Description: Failed to comply with permitted emissions limits. Specifically, during a reference method stack test conducted on March 28, 2008, it was determined that NOx and CO emissions from the AN-7 Process Air Startup Heater, EPN 70H101-2 were 8.62 lbs/hr and 13.47 lbs/hr respectively. The emission limits for this EPN are 4.50 lbs/hr for NOx and 6.0 lbs/hr for CO.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

5C THSC Chapter 382 382,085(b)

Rgmt Prov: 18251/Special Condition No.4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 2, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for 37 minutes and resulted in the release of 166 lbs of proplylene. The emission limits for the EPN are 4,01 lbs/hr for VOC.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Ramt Prov:

18251/Special Condition No. 4 PERMIT

Description: Falled to prevent unauthorized emissions. Specifically, an emission event occurred on February 29, 2008 due to a preventable electrical spike at EPN 31H4, which lasted for one hour and 43 minutes and resulted in the release of 15.20 lbs of hydrogen cyanide ("HCN") and 526.80 lbs of propylene. The emission limits for this EPN are 1.26 lbs/hr for HCN and 4.01 lbs/hr for VOC.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: 18251/Special Condition No. 4 PERMIT

Description: Failed to prevent unauthorized emissions. Specifically, an emissions event occurred on March 27, 2008 due to a loss of air flow from operator error at EPN 30H5, which lasted for one hour and 51 minutes and resulted in the release of 4,057 lbs of VOC, 4,714 lbs of CO and 61 lbs of hydrogen

Classification: Minor

30 TAC Chapter 101, SubChapter F 101.201(b)(1) Citation:

5C THSC Chapter 382 382.085(b)

Description: Failed to properly report an emissions event. Specifically, the final report for the March 27, 2008 emissions event did not contain the authorized limits for several pollutants that were involved in the event.

Effective Date: 07/31/2011

ADMINORDER 2009-1997-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 115, SubChapter H 115.722(c)(2) 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F) 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions from Emission Point Number 70Z40.

Classification: Minor

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(H)

5C THSC Chapter 382 382.085(b)

Description: Failed to properly report the July 19, 2009 emissions event,

Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: FOP O-02325, GT&C OP

Description: Failed to submit complete and accurate semi-annual deviation reports for the June 1, 2008 through

November 30, 2008 and December 1, 2008 through May 31, 2009 reporting periods.

Classification: Major

Citation:

30 TAC Chapter 116, SubChapter B 116.110(a)

30 TAC Chapter 116, SubChapter H 116,770(a)

5C THSC Chapter 382 382.0518(a) 5C THSC Chapter 382 382.085(b)

Description: Falled to obtain proper authorization to operate a previously grandfathered emissions source.

Classification: Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter C 122.210(a)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O-02325 STC 19(B) OP

Description: Failed to timely incorporate New Source Review Permit No. 48895 into Federal Operating Permit

No. O-02325.

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116,115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov:

Special Condition 1 PERMIT

Speical Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event from the Acrylnitrile 7

Unit and Acrylonitrile 2 Unit.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382-382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: failed to comply with permitted emissions limits during an emissions event on the Acrylonitrile 2 Unit

Product Purification Column pad area.

Effective Date: 08/13/2011

ADMINORDER 2010-1828-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382,085(b)

Special Condition 1 PERMIT

Description: Failed to prevent unauthorized emissions during incident No. 142163.

lassification: Moderate

30 TAC Chapter 101, SubChapter A 101,20(3) Citation:

30 TAC Chapter 116, SubChapter B 116,115(c) 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b)

Rgmt Prov: Special Condition 1 PERMIT

Special Terms & Conditions No. 8 OP

Description: Falled to comply with the combined 2.79 tons per year sulfuric acid mist emission rate for incinerator

scrubbers 337H1 and 337H2.

Effective Date: 08/27/2011

ADMINORDER 2010-0088-AIR-E

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Romt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382,085(b)

Rgmt Prov: Special Condition No. 1 PERMIT

Description: Failure to prevent unauthorized emissions.

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Ramt Prov:

Citation:

Special Condition 1 PERMIT

Speical Condition 1 PERMIT

Description: Failure to prevent unauthorized emissions.

ADMINORDER 2011-0222-AIR-E

Effective Date: 08/27/2011

Classification: Moderate

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382,085(b)

Special Condition 1 PERMIT Ramt Prov:

Description: Failed to prevent unauthorized emissions during incident No. 145043. This emissions event was

determined to be excessive.

Effective Date: 04/23/2012

ADMINORDER 2011-1808-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b)

Ramt Prov:

FOP 01258, ST&C 19 OP NSR Permit No. 2271, SC 1 PERMIT

Description: Failed to prevent unauthorized emissions of 4,793,00 pounds of ammonia from pressure relief valve PSV-316 during an emissions event (Incident No. 155268) lasting 3 hours and 50 minutes on June 4, 2011.

Effective Date: 06/08/2012

ADMINORDER 2011-1185-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 113, SubGhapter C 113,620

30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.10(d)(5)(i) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEE 63.1211(a)

5C THSC Chapter 382 382.085(b)

FOP 02321 OP Ramt Prov:

Description: Failed to submit the Hazardous Waste Combustion MACT reports within 30 days of the end of each semiannual period. Specifically, the reports for the periods of January 1, 2009 through June 30, 2009 and July 1, 2009 through December 31, 2009 were submitted under one cover letter on August 6, 2010.

Classification: Minor

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b)

FOP 02321, GT&C OP Ramt Prov:

FOP 02321, ST&C 3.B.iv.3, OP

Description: Failed to record all quarterly visible emissions observations for Heaters 30H1, 31H1-1, and 31H1-2.

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter H 115.725(d)(3)

30 TAC Chapter 116, SubChapter B 116,115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Ramt Proy:

FOP 02321, ST&C 1.A. OP

FOP 02321, ST&C 18 OP

NSR Permit Nos. 18251 and N-011, SC 19.E PERMIT

Description: Failed to operate the flare flow meter for the AN2 flare, EPN 30Z7, at least 95% of the total hours of operation in 2009. The flow meter was obstructed from June 28, 2009 through November 11, 2009, resulting in a total downtime of 3,556 hours for the year, which is 59.4% of the hours of operation in 2009.

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter B 115.126(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b)

Rgmt Prov; FOP 02321, ST&C 1.A. OP

FOP 02321, TT&C 18 OP

NSR Permit Nos. 18251 and N-011, SC 3 PERMIT NSR Permit Nos. 18251 and N-011, SC 5 PERMIT

Description: Failed to maintain the net heating value of two flares (EPNs 30Z7 and 31Z4) above 300 Btu/scf for a total of nine hours between October 7, 2009 and April 27, 2010 (see table below).

Classification: Minor

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b)

Rgmt Prov:

FOP 02321, GT&C OP

General Terms and Conditions OP

Description: Falled to report all deviations in the semiannual deviation reports. A total of 9 open-ended lines were discovered from January 12 through 15, 2009. These open-ended lines should have been reported in the deviation report due by June 30, 2009; however, they were never reported. Additionally, the Respondent failed to report the late submittal of Hazardous Waste Combustor MACT semiannual reports in the above-referenced report and in the reports due by December 30, 2009 and June 30, 2010.

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter D 115,352(4)

30 TAC Chapter 115, SubChapter H 115.783(5) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(2)

5C THSC Chapter 382 382.085(b)

Romt Prov:

FOP 02321, ST&C 1.A. OP

FOP 02321, ST&C 18 PERMIT

NSR Permit Nos. 18251 and N-011, SC 13.E PERMIT NSR Permit Nos. 18251 and N-011, SC 15.E PERMIT NSR Permit Nos. 18251 and N-011, SC 3.A. PERMIT NSR Permit Nos. 18251 and N-011, SC5 PERMIT

Description: Failed to plug or cap an open-ended line which was discovered on October 15, 2010. The open-ended line was in hazardous air pollutant service and in highly-reactive volatile organic compound

("HRVOC") service. The Respondent capped the open-ended line on the day they were discovered.

Classification: Moderate

Citation:

30 TAC Chapter 117, SubChapter B 117,335(e)

30 TAC Chapter 117, SubChapter H 117.9020(2)(C)(i)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

FOP 02321, ST&C 1.A. OP

FOP 02321, ST&C 21 OP

Description: Failed to conduct a stack test of the second start-up heater (EPN 31H1-2) for the AN3 unit.

Classification: Moderate

Citation:

30 TAC Chapter 115, SubChapter H 115.781(b)(3)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Romt Prov: FOP 02321, ST&C 1.A. OP

Description: Failed to quarterly monitor caps, plugs, and blind flanges in HRVOC service. The AN2 and AN3 units have a combined 414 potential open ends (caps, plugs, and blind flanges) in HRVOC service. These components were listed in the Plant's database as exempt from monitoring in error, and were not monitored from the second quarter of 2009 until the fourth quarter of 2010.

Effective Date: 06/22/2012

ADMINORDER 2011-2133-AIR-E

Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Romt Prov:

Special Condition 1 PERMIT Special Term & Condition 18 OP

Special Terms & Conditions No. 17 OP

Description: Failed to prevent unauthorized emissions during an event on July 24, 2011 (Incident No. 157167). Specifically, the Respondent released 1,198.19 pounds of acrylonitrile, 177.56 ibs of hydrogen cyanide, 15.20 ibs of ammonia, and 39 ibs of carbon monoxide from the Acrylonitrile Unit 2 Flare, Acrylonitrile Unit 2 Waste Heat Boiler, Acrylonitrile Unit 3 Waste Heat Boiler, Purification Flush Tank Scubber, and Waste Heat Boiler during the 10 hour 24 minute event.

B. Any criminal convictions of the state of Texas and the federal government. N/A

C. Chronic excessive emissions events,

N/A

D. The approval dates of investigations. (CCEDS inv. Track. No.)

1 03/19/2012 (1003459)

2 05/30/2012 (1007707)

3 05/31/2012 (1007710)

4 05/31/2012 (1007720)

5 05/31/2012 (1007723)

6 05/31/2012 (1007725)

7 07/24/2012 (1007991)

8 07/20/2012 (1008335)

9 04/16/2012 (1010023)

10 07/26/2012 (1016343)

11 05/15/2012 (1016418)

12 07/19/2012 (1020590)

13 09/28/2007 (565072)

14 10/04/2007 (565781)

15 08/28/2007 (566965)

16 08/28/2007 (566968)

17 08/17/2007 (571113)

18 08/17/2007 (571116)

19 08/17/2007 (571117)

20 08/17/2007 (571120) 21 08/17/2007 (571122)

21 08/17/2007 (571122) 22 08/30/2007 (571497)

23 08/29/2007 (572199)

(573057)

25 09/27/2007 (593895)

24 08/22/2007

26 10/16/2007 (594030)

27 09/27/2007 (594475)

28 08/28/2008 (595601)

29 01/28/2008 (595602)

30	.02/04/2008	(595610)
31	12/03/2007	(595635)
32	11/05/2007	(597652)
33	11/01/2007	(598289)
34	11/01/2007	(598293)
35	12/17/2007	(599351)
36	12/17/2007	(599355)
37	11/06/2007	(599382)
38	10/31/2007	(607507)
39	鸰9/20/2007	(607508)
40	10/19/2007	(607509)
41	01/29/2008	(609295)
42	02/14/2008	(609298)
43	12/14/2007	(609886)
44	12/17/2007	(610670)
45	12/20/2007	(611710)
46	12/20/2007	(611714)
47	04/21/2008	(612070)
48	02/15/2008	(612072)
49	04/03/2008	(615836)
50	03/18/2008	(615838)
51	02/13/2008	(615839)
52	02/13/2008	(615859)
53	03/11/2008	(616438)
54	04/25/2008	(616540)
55	04/03/2008	(617714)
56	02/15/2008	(618125)
57	04/11/2008	(618763)
58	11/15/2007	(619438)
59	12/18/2007	(619439)
60	01/17/2008	(619440)
61	04/29/2008	(639697)
62	04/29/2008	(639703)
63	04/29/2008	(639707)
64	04/29/2008	(639708)
65	04/29/2008	(639711)
66	03/24/2008	(639874)
67	04/22/2008	(640492)
68	06/04/2008	(646671)
69	05/20/2008	(671627)
70	02/14/2008	(671945)
71	03/18/2008	(671946)
72	04/17/2008	(671947)
73	08/26/2008	(680027)
74	11/03/2008	(681757)
75	07/02/2008	(681880)
76	06/06/2008	(682013)
77	07/03/2008	(682028)
		•

78 12/08/200	08 (682431)
79 06/20/200	)8 (683391)
80 07/28/200	08 (684301)
81 08/01/200	)8 (685339)
82 07/30/200	)8 (687438)
83 08/12/200	)8 (687925)
84 08/22/200	8 (689052)
85 08/29/200	8 (689053)
86 05/14/200	8 (689865)
87 06/20/200	8 (689866)
88 10/14/200	8 (702982)
89 10/14/200	8 (702989)
90 02/04/200	9 (703385)
91 01/28/200	9 (703392)
92 02/13/200	9 (703393)
93 10/13/200	8 (703732)
94 11/17/200	8 (705402)
95 11/17/200	8 (705404)
96 11/17/200	8 (706687)
97 10/30/200	8 (706840)
98 11/24/200	8 (708102)
99 07/14/200	8 (710637)
100 08/15/2008	8 (710638)
101 09/25/2008	8 (710639)
102 10/16/2008	3 (710640)
103 07/14/2008	3 (710641)
104 01/06/2009	(721518)
105 01/06/2009	(721523)
106 02/20/2009	(723296)
107 02/16/2009	(723984)
108 02/16/2009	(723985)
109 06/29/2009	(724359)
110 03/20/2009	(724849)
111 03/20/2009	(725378)
112 02/24/2009	(726852)
113 02/24/2009	(726862)
114 02/24/2009	(726865)
115 02/24/2009	(726874)
116 02/24/2009	(726880)
117 11/18/2008	(727417)
118 04/06/2009	(736212)
119 02/12/2009	(750164)
120 03/16/2009	(750165)
121 04/16/2009	(750166)
122 04/16/2009	(750167)
123 12/17/2008	(750168)
124 06/23/2009	(759561)
	(700704)

(760734)

125 08/10/2009

126	07/31/2009	(761167)
127	08/11/2009	(762921)
128	08/11/2009	(765164)
129	08/31/2009	(767513)
130	11/06/2009	(767538)
131	12/13/2009	(767543)
132	12/13/2009	(767545)
133	12/13/2009	(767547)
134	12/14/2009	(767550)
135	01/05/2010	(767553)
136	03/03/2010	(767564)
137	04/06/2010	(767606)
138	05/15/2009	(768286)
139	06/10/2009	(768287)
140	11/23/2009	(776989)
141	04/09/2010	(784203)
142	01/07/2010	(784346)
143	12/11/2009	(784537)
144	12/11/2009	(784562)
145	12/11/2009	(784564)
146	01/19/2010	(785856)
147	02/10/2010	(790032)
148	02/10/2010	(790040)
149	05/06/2010	(794067)
150	04/22/2010	(796385)
151	04/22/2010	(796387)
152	05/20/2010	(799533)
153	05/27/2010	(801971)
154	06/21/2010	(803247)
155	02/18/2010	(804427)
156	08/24/2009	(804428)
157	09/22/2009	(804429)
158	10/14/2009	(804430)
159	11/17/2009	(804431)
160	12/17/2009	(804432)
161	01/18/2010	(804433)
162	07/30/2010	(827020)
163	07/09/2010	(829610)
164	07/23/2010	(830086)
165	07/14/2010	(830505)
166	03/15/2010	(830793)
167	04/13/2010	(830794)
168	05/17/2010	(830795)
169	09/09/2010	(841766)
170	08/30/2010	(844061)
171	06/15/2010	(846239)
172	08/30/2010	(849823)
173	10/08/2010	(849826)
173	(V) UU/AU IU	(a toomo)

174 10/05/2010	(849827)
175 09/30/2010	(850191)
176 09/30/2010	(850194)
177 09/30/2010	(850201)
178 09/30/2010	(850202)
179 09/30/2010	(850203)
180 09/28/2010	(850727)
181 06/22/2011	(858019)
182 10/25/2010	(858020)
183 11/12/2010	(858023)
184 02/28/2011	(858031)
185 02/15/2011	(858035)
186 11/10/2010	(858043)
187 06/17/2011	(858046)
188 11/22/2010	(858048)
189 10/13/2010	(859969)
190 07/13/2010	(860835)
191 09/20/2010	(864461)
	• •
192 09/30/2010	(864946)
193 10/26/2010	(865510)
194 01/26/2011	(866639)
195 08/16/2010	(866799)
196 11/10/2010	(873330)
197 09/17/2010	(873871)
198 04/28/2011	(878118)
199 12/01/2010	(880015)
200 12/08/2010	(880841)
201 10/18/2010	(881473)
202 01/13/2011	(884974)
203 01/24/2011	(886439)
204 01/25/2011	(886526)
205 01/21/2011	(887668)
206 11/11/2010	(888004)
207 02/22/2011	(893337)
208 12/13/2010	(896206)
209 03/28/2011	(901932)
210 03/17/2011	(902104)
211 03/17/2011	(902127)
212 01/17/2011	(902277)
213 06/09/2011	(906472)
214 05/03/2011	(907086)
215 04/07/2011	(907947)
216 02/14/2011	(909051)
217 05/12/2011	(913615)
218 05/31/2011	(913957)
219 06/15/2011	(913960)
220 06/10/2011	(913961)
221 06/23/2011	(913963)
	(4.0000)

222	06/15/2011	(913965)
223	06/27/2011	(913966)
224	07/01/2011	(913967)
225	03/18/2011	(916315)
226	06/27/2011	(923433)
227	04/21/2011	(924756)
228	07/14/2011	(933988)
229	07/14/2011	(933991)
230	07/14/2011	(933994)
231	07/14/2011	(934001)
232	07/14/2011	(934002)
233	08/19/2011	(934126)
234	08/16/2011	(935315)
235	05/19/2011	(937995)
236	08/23/2011	(942845)
237	10/28/2011	(945189)
238	06/20/2011	(945319)
239	10/12/2011	(948957)
240	08/31/2011	(951773)
241	12/14/2011	(952190)
242	07/20/2011	(952593)
243	09/22/2011	(956739)
244	11/18/2011	(957476)
245	11/14/2011	(957477)
246	10/10/2011	(958606)
247	08/10/2011	(959275)
248	12/01/2011	(962545)
249	03/12/2012	(963134)
250	09/19/2011	(965307)
251	12/08/2011	(968932)
252	12/09/2011	(970199)
253	12/09/2011	(970206)
254	12/19/2011	(970291)
255	03/22/2012	(970611)
256	10/17/2011	(971347)
257	12/19/2011	(974384)
258	11/10/2011	(977507)
259	01/25/2012	(980939)
260	02/24/2012	(984020)
261	12/13/2011	(984273)
262	02/28/2012	(987443)
263	02/28/2012	(987466)
264	02/16/2012	(987709)
265	03/30/2012	(990078)
266	01/16/2012	(990575)
267	04/02/2012	(994584)
268	05/24/2012	(996478)
269	07/27/2012	(996538)

270 02/15/2012 (997936)

Written notices of violations (NOV), (CCEDS Inv. Track, No.)

Date: 08/31/2007

(607508)

CN603482811

Self Report? Citation:

YES

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 09/27/2007

(594475)

CN603482811

Self Report? Citation:

30 TAC Chapter 115, SubChapter D 115,352(4) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THC Chapter 382, SubChapter D 382.085(b)

FOP No. 2324, Spec. Cond 18 OP FOP No. 2324, Spec. Cond. 1A OP

NSR Permit No. 38336, Spec. Cond. 20E PERMIT

Description:

Failure to seal four (4) open ended lines in VOC service during the compliance period.

Date: 10/31/2007

CN603482811

Self Report?

Classification:

Classification;

Classification:

Classification:

Moderate

Minor

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

Description:

NO

30 TAC Chapter 305, SubChapter F 305,125(1) Failure to meet the limit for one or more permit parameter

Date: 01/29/2008

(595602)

(619438)

CN603482811

Self Report? Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(C)

5C THSC Chapter 382 382.085(b)

O-01258, General Terms and Conditions OP

Description:

Failure to submit the November 30, 2005 semi-annual deviation report within 30 days

after the end of the reporting period.

Self Report?

Classification:

Classification:

Classification:

Minor

Moderate

Minor

Minor

Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122,145(2)(A)

30 TAC Chapter 122, SubChapter B 122.146(5)(D)

5C THSC Chapter 382 382,085(b)

O-01258, General Terms and Conditions OP

Description:

Failure to submit a complete semi-annual report and annual compliance certification containing all terms and conditions of the permit for which compliance was not achieved.

Date: 03/31/2008

(671947)

CN603482811

Self Report? Citation:

NO

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Fallure to meet the limit for one or more permit parameter

Date: 04/11/2008

(618763)

CN603482811

Self Report?

Citation:

30 TAC Chapter 115, SubChapter D 115,352(4)

30 TAC Chapter 116, SubChapter B 116,115(c) 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b) NSR 6534 Special Condition 18E PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP

Description:

Failure to maintain open ended lines.

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)(i)

5C THSC Chapter 382 382,085(b) O-02319 Special Condition 1A OP

Description:

Failure to perform annual benzene tank inspections.

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

Classification: Minor 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b) NSR 6534 Special Condition 5 PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP

Description:

Failure to maintain heating value of fuel gas.

Self Report?

NO

Classification:

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b) NSR 6534 Special Condition 9B PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP

Description:

Failure to maintain flame on process flare 50Z2-C.

Self Report?

NO

Classification:

Minor

Citation:

30 TAC Chapter 115, SubChapter D 115,354(2)(C) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b)

NSR 6534 Special Condition 10F PERMIT NSR 6534 Special Condition 18F PERMIT O-02319 Special Condition 1A OP O-02319 Special Condition 20 OP

Description:

Failure to monitor delay of repair components on a quarterly frequency.

Date: 04/30/2008

(689865)

CN603482811

Self Report?

Classification:

Classification:

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 05/31/2008

(689866)

(680027)

CN603482811

Moderate

Moderate

Self Report? Citation:

2D TWC Chapter 26, SubChapter A 26,121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Date: 08/26/2008

Failure to meet the limit for one or more permit parameter

CN603482811

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

New Source Review Permit Num, 5084 SC 5 PERMIT

Special Term and Condition 4 OP

Description:

Failure to maintain the six minute average and a temperature above 1465 degrees Fahrenhelt on unit 55H2 (Incinerator) during the annual compliance certification period

4/30/2007 through 4/30/2008.

Date: 08/29/2008

(689053)

CN603482811

Citation:

Self Report?

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122,145(2)(C)

5C THSC Chapter 382 382.085(b)

O-02323 General Terms and Conditions OP

Description:

Failure to submit the second semi-annual deviation report within the 30 day time frame.

Self Report?

NO

Classification:

Classification:

Classification:

Moderate

Minor

Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b) O-02323 General Terms and Conditions OP

Description:

Fallure to submit the PCC report for the certification period of December 1, 2007 through

May 31, 2008 within the 30 day time frame.

Date: 11/03/2008

(681757)

CN603482811

Self Report?

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) NSR 38336, Spec. Cond. 11 PERMIT

Spec. Cond. 18 OP

Description:

Failure to maintain reactor rate hours on 70Z404 below permitted levels.

Self Report?

Classification:

Minor

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4) 30 TAC Chapter 122, SubChapter B 122,145(2)(A)

5C THSC Chapter 382 382,085(b)

GT&C OP

Description:

Failure to submit complete and accurate deviation report.

Date: 02/06/2009

(703385)

CN603482811

Self Report?

Minor

Citation:

2271, SC 5 PERMIT

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b)

O-01258, SC 4 OP

Description:

Failure to maintain water flow in Dryer Scrubber 55K1 at or above 65 gallons per minute.

Self Report?

NO

Classification<sup>4</sup>

Classification:

Classification:

Classification:

Classification:

Moderate

Moderate

Moderate

Citation:

2271, GC 9 PERMIT

30 TAC Chapter 116, SubChapter B 116.115(b)(1) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b)

O-01258, SC 4 OP

Description:

Failure to collect all dust from the dust collector capture system during loading operation.

Date: 02/13/2009

CN603482811

Self Report?

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

Special Condition 1A OP Special Condition 20 OP Special Condition 9A PA

Description:

Citation:

Failure to maintain the minimum heating value for flare 50Z-2.

Self Report?

30 TAC Chapter 116, SubChapter B 116,115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) Special Condition 1 PERMIT Special Condition 20 OP

Description:

Failure to maintain emissions below Maximum Allowable Emission Rate on flare

50Z2-C.

Self Report? Citation:

30 TAC Chapter 122, SubChapter B 122,143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP

Description:

Failure to report all deviations for each 6-month period.

Self Report?

NO

Classification:

Classification:

Moderate

Minor

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)

5C THSC Chapter 382 382.085(b) Special Condition 1A OP Special Condition 20 OP

Special Condition 9B PA

Description:

Citation:

Failure to maintain a flame on process flare 50Z2-C.

Self Report?

NO

30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.168(f)(1)

5C THSC Chapter 382 382.085(b) Special Condition 18I PERMIT

Special Condition 1A OP

Special Condition 20 OP Description

Date: 07/31/2009

Fallure to repair valve 158963 within 15 days of leak discovery.

(761167)

CN603482811

Self Report?

Citation:

30 TAC Chapter 335, SubChapter O 335,431(c)(1)

40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)

Provision II.A.7 PERMIT

Description:

Facility did not have land disposal restriction documentation for waste stream

3013212H.

Date: 12/31/2009 Self Report?

(804433)

CN603482811

Classification:

Classification:

Classification:

Moderate

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)

Description:

30 TAC Chapter 305, SubChapter F 305.125(1) Failure to meet the limit for one or more permit parameter

Date: 01/06/2010

(767553)

CN603482811

Moderate

Self Report? Citation:

30 TAC Chapter 115, SubChapter B 115.126(1)(B)

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii) 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b) FOP, Special Term and Condition 12A OP FOP, Special Term and Condition 1A OP NSR Permit, Special Condition 19A PERMIT

Description:

Failure to maintain flare 31Z4 (31Z6 in FOP O-0231, 2007) vent gas heating at the

minimum required heating value. Category B19 (g) (1)

Self Report?

Classification:

Moderate

Moderate

Minor

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(2)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

5C THSC Chapter 382 382.085(b)

FOP, Special Term and Condition 12A OP FOP, Special Term and Condition 1A OP NSR, Special Condition 15E PERMIT NSR, Special Condition 3A PERMIT NSR, Special Condition 5 PERMIT NSR, Special Condtion 13E PERMIT

Description:

Failure to prevent an open ended line on a valve at AN23 on January 22, 2009.

Category C10

Date: 01/31/2010

(804427)

CN603482811

Self Report?

2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Citation:

Failure to meet the limit for one or more permit parameter

Date: 04/07/2010

Self Report?

(767606)

CN603482811

Classification:

Classification:

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

FOP O-02325 SC 11(A) OP NSR 48895 SC 4(B) PERMIT

Description:

Failure to maintain monthly monitoring for three cooling towers, EPN's E379CT3,

E379CT4, and 70382E6 from April 1, 2009 at 0000 to April 30, 2009 at 2359. (Category

C1 violation)

Date: 05/06/2010

(794067)

CN603482811

Self Report?

Classification:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition 15C PERMIT Special Term and Condition 1A OP Description:

Failure to maintain flare opacity at less than five minutes in a two-hour period.

(category C4 violation)

Self Report?

NO

Classification:

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition 9A PERMIT Special Term and Condition 18 OP

Description:

Failure to maintain the liquid flow rate of scrubber 320Z322 above 10 gallons per minute.

(category C4 violation)

(801971)

Self Report? NO

Classification:

Classification:

Classification:

Classification:

Classification:

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Condition 9C PERMIT Special Term and Condition 18 OP

Description:

Fallure to maintain the inlet temperature of scrubber 320Z322 below 60 degrees

fahrenheit. (category C4 violation)

Date: 05/28/2010

CN603482811

Self Report? NO

Classification: Moderate

Minor

Minor

Citation:

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382,085(b) Special Condition 1 PERMIT

Description:

Failed to prevent unauthorized emissions during an emissions event. Specifically, Ascend released 374.52.0 ibs of propylene during in incident (Incident No. 136547) that lasted 30 minutes. Ascend did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions. Ascend failed to prevent the malfunction of the thermocouple.

Date: 09/29/2010

(850727)

CN603482811

Self Report?

30 TAC Chapter 101, SubChapter F 101.201(b)(1)(G)

5C THSC Chapter 382 382,085(b)

Description:

Citation:

Citation:

Failed to include speciated air contaminants released during the emissions event in the

final report.

Date: 11/10/2010

(858043)

CN603482811

Self Report? No

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382.085(b) Special Condition 14 PERMIT Special Condition 8 OP

Description:

Failure to maintain scrubber solution pH above permitted limit. (Category B19g1

Violation)

Date: 11/12/2010

(858023)

CN603482811

Self Report? NO

30 TAC Chapter 122, SubChapter B 122,143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382.085(b) General Terms and Conditions OP

Description:

Citation:

Citation:

Fallure to include 3 deviations in the first semi-annual deviation report dated December

18, 2009. [Category C3]

Date: 02/15/2011

(858035)

CN603482811

Self Report? N

30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b) Special Condition 9A PERMIT Special Terms and Condition 19 OP Special Terms and Condition 1A OP

Description:

Failure to maintain the net heating value of fuel gas at 300 BTU/scf or greater for the

main processing flare (EPN 50Z2-C) on September 23, 2009 from 2:14 to 2:43.

(Category C4)

Self Report?

NO

Classification;

Minor

Moderate

Citation:

30 TAC Chapter 101, SubChapter F 101.201(b)

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b) Special Terms and Condition 2F OP

Description:

Failure to create final records for (2) two non-reportable emissions events within two

weeks after the end of the emissions events. (Category C3)

Self Report?

NO

Classification:

Moderate

Citation:

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(I)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.172(f)(2)

5C THSC Chapter 382 382.085(b) Special Condition 4 PERMIT Special Terms and Condition 1A OP

Description:

Failure to prepare a written plan that requires inspection of the closed vent system of the wastewater treatment unit and failure to conduct an inspection of the closed vent system

(EPN 51D6). (Category B3)

Date: 02/28/2011

(916315)

CN603482811

YES Self Report?

Classification:

Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)

Description:

Failure to meet the limit for one or more permit parameter

Date: 06/15/2011

(913965)

CN603482811

Self Report?

Date: 06/15/2011

Classification:

Moderate

Citation:

30 TAC Chapter 331, SubChapter D 331.63(e)

PP VII.F PERMIT

Description:

Fallure to maintain a minimum differential pressure of 100 psig

(913960)

CN603482811

Self Report?

Classification:

Classification:

Classification:

Classification:

Moderate

Minor

Minor

Citation:

30 TAC Chapter 305, SubChapter F 305,125

V.B.3 PERMIT

(858046)

Description:

Failure to store containers on portable secondary containment as described in permit

Date: 06/17/2011

Citation:

CN603482811

Self Report?

30 TAC Chapter 116, SubChapter B 116,115(c)

30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63,163(b)(1)

5C THSC Chapter 382 382,085(b) Special Condition 5 PERMIT Special Term and Condition 18 OP Special Term and Condition 1A OP

Description:

Failure to monitor 17 pumps in AN2 for fugitive emissions in October 2009 [Category C1

violation]

Date: 06/22/2011

(858019)

CN603482811

Self Report? Citation:

30 TAC Chapter 116, SubChapter B 116,115(c)(2) 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.113(a)(2)

5C THSC Chapter 382 382,085(b) Special Condition 9C PERMIT Special Terms & Conditions 16 OP Special Terms & Conditions 17 OP Special Terms & Conditions 1A OP

Description:

Citation:

Failure to maintain the scrubber (EPN 320Z322) inlet temperature at below 70 degrees

Fahrenheit from January 13, 2010 through January 16, 2010. [Category C4]

Self Report?

30 TAC Chapter 115, SubChapter B 115.114(a)(1)

30 TAC Chapter 116, SubChapter B 116.115(c)(2) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(2)

5C THSC Chapter 382 382.085(b) Special Condition 12C PERMIT Special Condition 4 PERMIT Special Terms & Conditions 17 OP Special Terms & Conditions 1A OP

Description:

Failure to conduct the annual secondary seal inspection for the methanol tank

(EPN 320T831) internal floating roof during a consecutive 12 months, from February 24, 2009 through February 24, 2010, (Category B1)

Self Report?

Classification: Minor

Citation:

30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A) 30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122,143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(1)

5C THSC Chapter 382 382,085(b) Special Condition 13C PERMIT Special Terms & Conditions 17 OP Special Terms & Conditions 1A OP

Description:

Fallure to maintain visible emissions of less than 5 minutes during two consecutive

hours on May 28, 2010, [Category C4]

Self Report?

NO

Classification:

Classification:

Minor

Minor

Citation:

30 TAC Chapter 115, SubChapter H 115.781(b) 30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b) Special Terms & Conditions 1A OP

Description:

Failure to monitor 90 components associated with the distribution unit from June 1, 2010

through November 30, 2010. [Category C7]

Date: 08/24/2011

(942845)

CN603482811

Self Report?

30 TAC Chapter 115, SubChapter H 115,781(b)(3)

5C THSC Chapter 382 382,085(b)

Description:

Citation:

Citation:

Failure to monitor HRVOC components per the required frequency. (Category C1)

Self Report?

Classification: Minor

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)

5C THSC Chapter 382 382.085(b)

SC 11A PERMIT ST&C 16 OP ST&C 1A OP

Description:

Failure to maintain the flare above 300 BTU/scf. (Category C4)

Date: 10/14/2011

CN603482811

Moderate

Minor

Minor

Moderate

Self Report? ·Citation:

NO

NO

30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382,085(b) Special Condition #1 PERMIT

ST&C 6 OP

Description:

Fallure to prevent unauthorized emissions due to PSV-316 O-ring failure.

Date: 11/18/2011

(957476)

CN603482811

Self Report?

Classification: Minor

Classification:

.Classification:

Cltation:

30 TAC Chapter 122, SubChapter B 122,143(4)

5C THSC Chapter 382 382,085(b) Special Terms & Conditions 3(C) OP

Description:

APM reported 1 deviation in which quarterly opacity monitoring on eleven stationary

diesel engines was not conducted. (Category B1)

Self Report?

30 TAC Chapter 115, SubChapter D 115.354

5C THSC Chapter 382 382,085(b)

Description:

Citation:

APM reported 1 deviation in which quarterly LDAR monitoring on components

associated with the 336 Tanks was not performed. (Category B1)

Self Report? NO Classification:

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.145(2)(A)

5C THSC Chapter 382 382,085(b) General Terms & Conditions OP

Description:

Failure to report all deviations. [Category C3]

Date: 11/30/2011

CN603482811

Self Report?

Classification:

Citation:

30 TAC Chapter 115, SubChapter B 115.126(1)(B)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(II)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.11(b)(6)(ii)

5C THSC Chapter 382 382.085(b) Special Condition 19A PERMIT Special Condition 19D PERMIT Special Condition 5 PERMIT

Special Terms and Conditions 1A OP

Description: Fallure to maintain process flare net heating value at 300 BTU/scf. (Category B3)

Self Report?

NO

Classification:

Moderate

Citation:

30 TAC Chapter 115, SubChapter D 115.352(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)

5C THSC Chapter 382 382.085(b) Special Condition 13E PERMIT Special Condition 15E PERMIT Special Condition 5 PERMIT Special Terms & Conditions 12 OP Special Terms & Conditions 1E OP

Description: Fallure to prevent an open-ended line on a bleed valve during the reporting period.

(Category B3)

Self Report? NO

Classification:

Classification:

Moderate

Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Terms & Conditions 16 OP

Description:

Citation:

Failure to maintain minimum temperature of material being combusted in waste heat

boiler (WHB). (Category B3)

Self Report? NO

2F THSC Chapter 122, SubChapter F 122.001

5C THSC Chapter 382 382,085(b) Special Terms & Conditions (IV)(1) OP

Description:

Failure to do quarterly visible emissions monitoring on AN 2/3 catalyst transfer.

(Category B3)

Date: 03/22/2012 Self Report? NO (970611)

CN603482811 Classification:

Moderate

Citation:

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT G 63.120(a)(1)

5C THSC Chapter 382 382.085(b) Special Terms and Conditions No. 1D OP ·

Description:

Failure to conduct the annual tank inspection for Tank 320T246-1 at least once every

12-month period (Category B1).

Date: 07/26/2012

(1016343)

CN603482811

Classification:

Minor

Self Report? Citation:

30 TAC Chapter 115, SubChapter D 115.352(4) 30 TAC Chapter 116, SubChapter B 116.115(c)

30 TAC Chapter 122, SubChapter B 122.143(4)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT H 63.167(a)(1)

5C THSC Chapter 382 382.085(b) FOP STs & Cs 1(A) and 17\*OP NSR SC 19E PERMIT

Description: Failure to s

(Category C10)

Failure to seal an open-ended line in Volatile Organic Compound (VOC) service. (Category C10)

Date: 07/31/2012 (996538)

Self Report? NO

CN603482811

Classification: Minor

Citation:

30 TAC Chapter 117, SubChapter B 117.345(c)(1)

30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b) Special Term & Condition (ST&C) 1(A) OP

Description:

Fallure to submit the annual RATA Test Report within the required timeframe. (Category

C3)

F. Environmental audits.

Notice of Intent Date:

(641816)

No DOV Associated

Notice of Intent Date: 07/07/2009

(762800)

Disclosure Date:

08/28/2009

Viol. Classification:

Minor

01/31/2008

Citation:

30 TAC Chapter 115, SubChapter H 115.764(a)(1)

Description: Failure to calibrate implement annual calibration continous flow monitors for cooling towers E379CT3, E379CT4,

and 70382E6.

Viol. Classification: Moderate

Citation:

30 TAC Chapter 116, SubChapter B 116,110

Description:

Failure to authorize volatile organic compounds (VOCs) from tanks E332S1-1, E332S1-2, E332T1-1, E332T1-2. E336T1-1, E336T1-2, E336T2-1, and E3362-2 and particulate matter emissions from cooling towers E379CT3,

E379CT4, and 70382E6 by permits by rule (PBRs).

Viol. Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter H 101.359(a)

Description: Failure to accurately report annual nitrogen oxide emissions from EPN E350H1-1 due to calculation errors.

Viol. Classification: Moderate

30 TAC Chapter 106, SubChapter A 106.4(a)(1)

Description: Failure to ensure wastewater treatment VOC emissions are less than 25 tons per year.

Viol. Classification: Moderate

30 TAC Chapter 117, SubChapter B 117,340(h)

Description: Failure to stack test EPN E334P71 and E334GEN quarterly for nitrogen oxides and carbon monoxide from April

2005 through April 2007.

Viol. Classification: Moderate

Citation:

30 TAC Chapter 117, SubChapter B 117.310(a)(9)

Description: Failure to meet emission standards for EPN E334P71 and E334GEN and failure to report in the semiannual engine

Viol. Classification: Moderate

Citation:

30 TAC Chapter 101, SubChapter H 101,359(a)(1)

Description: Failure to ensure E334-GEN is accounted for in the mass emission cap and trade (MECT) program.

Viol. Classification: Minor

Citation:

30 TAC Chapter 122, SubChapter B 122,145(2)

Description: Violations from this audit were not reproted in the Title V deviation reports.

Notice of Intent Date: 03/16/2011 (914912)

No DOV Associated

Notice of Intent Date: 04/30/2012

(1020775)

No DOV Associated

Notice of Intent Date: 05/14/2012

(1013342)

No DOV Associated

Type of environmental management systems (EMSs). G.

N/A

Η. Voluntary on-site compliance assessment dates. N/A

Participation in a voluntary pollution reduction program.

N/A

Early compliance.

N/A

Sites Outside of Texas

N/A

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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#### AGREED ORDER DOCKET NO. 2012-1543-AIR-E

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Ascend Performance Materials Operations LLC ("Respondent") under the authority of Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

#### I. FINDINGS OF FACT

- 1. The Respondent owns and operates a chemical manufacturing plant on Farm-to-Market Road 2917, approximately eight miles south of the intersection of State Highway 35 and Farm-to-Market Road 2917 in Alvin, Brazoria County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in Tex. HEALTH & SAFETY Code § 382.003(12).
- During an investigation on April 27, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865). Specifically, 20,673.82 pounds ("lbs") of acrylonitrile ("AN"), 2,282.14 lbs of hydrogen cyanide ("HCN"), and 91.19 lbs of volatile organic compounds ("VOC") were released from Cooling Tower No. 6 ("CT6"), Emission Point No. ("EPN") 70382E6, during the event that lasted 167 hours and 44 minutes. The event occurred due to an unintentional partial cut made on the heat exchanger tube during a maintenance activity conducted by contractors in October 2011.
- 4. During an investigation on June 21, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543). Specifically, 8,143.29 lbs of acrylonitrile, 2,825.63 lbs of HCN and 508.33 lbs of VOC were released from CT6 during the event that lasted 8 hours and 45 minutes. The event occurred due to corrosion/erosion of the heat exchanger's steel support baffles causing the tubes to fail, resulting in a leak from CT6.
- 5. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to report all instances of deviations. Specifically, in the December 29, 2011 semi-annual deviation report, the Respondent did not disclose the failure to conduct quarterly visible emission observations for the Solid Waste Treatment Unit and the Acrylonitrile Unit 3 Catalyst Transfer Operations during the third quarter of 2011. In the May 30, 2012 semi-annual deviation report, the Respondent did not disclose the late submittal of the startup, shutdown, and malfunction report, and the excess emissions and monitoring system performance report submitted as part of the 40 CODE OF FEDERAL REGULATIONS ("CFR") Part 63, Subpart EEE Hazardous Waste Combustor Maximum Achievable Control Technology report dated February 6, 2012.
- 6. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe. Specifically, the report was due by January 30, 2012 but was not submitted until February 7, 2012.
- 7. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period

within the required timeframe. Specifically, the report was due by January 30, 2012 but was not submitted until February 7, 2012.

- 8. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to perform quarterly visible emission observations during the third quarter of 2011 (July 1, 2011 to September 30, 2011) for the Acrylonitrile Unit 3 Catalyst Transfer Operations and the Solid Waste Treatment Unit, during the fourth quarter of 2011 (October 1, 2011 to December 31, 2011) for the Acrylonitrile Unit 3 Catalyst Transfer Operations and the Solid Waste Treatment Unit, and during the first quarter of 2012 (January 1, 2012 to March 31, 2012) for the Solid Waste Treatment Unit.
- 9. During an investigation on October 8, 2012 through October 16, 2012, TCEQ staff documented that the Respondent failed to maintain the flare net heating value above 300 British Thermal Units/standard cubic foot ("BTU/scf") for Flare Nos. 30Z7 and 31Z4. Specifically, the net heating value for Flare No. 31Z4 dropped below 300 BTU/scf on July 2, 2011 for one hour, on July 24, 2011 for two hours, on September 25, 2011 for one hour, and on October 13, 2011 for one hour. The net heating value for Flare No. 30Z7 dropped below 300 BTU/scf on June 3, 2011 for five hours, on June 4, 2011 for nine hours, and on March 9, 2012 for one hour.
- 10. During an investigation on June 21, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998). Specifically, 2,660.67 lbs of AN, 381.5 lbs of HCN, 177.79 lbs of acrolein ("AR"), and 29.15 lbs of acetonitrile were released from CT6 during the event that lasted 2 hours and 40 minutes. The event occurred due to corrosion/erosion of the heat exchanger's steel support baffles causing the tubes to fail, resulting in a leak from CT6.
- During an investigation on November 1, 2012 through December 10, 2012, TCEQ staff documented that the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029). Specifically, 13,209.79 lbs of AN, 1,068.02 lbs of carbon monoxide, 92.59 lbs of ACN, 544.98 lbs of propane, 75.09 lbs of propylene, and 96.72 lbs of HCN were released from the Acrylonitrile Unit 2 Waste Heat Boiler ("WHB") EPN 30H5 during the event that lasted 21 minutes. The event occurred when AN process material containing organics entered the condensate outlet stream through a leak in heat exchanger EPN 30E21, and migrated into the absorber column. The contaminants eventually discharged into the WHB, where they were combusted, causing a temperature spike in the WHB. The WHB tripped off-line, and the absorber off-gas was diverted away through a vent, resulting in the release of the unauthorized emissions.
- 12. The Respondent received notices of the violations on July 23, 2012, October 12, 2012, December 10, 2012, February 6, 2013, and February 22, 2013.

- 13. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. On February 7, 2012, submitted the following reports:
    - i. The startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period; and
    - ii. The excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period.
  - b. On March 9, 2012, increased the net heating value for Flare Nos. 31Z4 and 30Z7 above 300 BTU/scf;
  - c. On April 1, 2012, implemented operational and administrative procedures to ensure that the required visible emission observations are conducted;
  - d. By July 4, 2012, completed the following corrective measures as indicated in the corrective action plan ("CAP") dated September 21, 2012 in order to prevent a recurrence of similar emissions events as Incident Nos. 166865, 168543, and 168998:
    - i. Rebuilt the heat exchangers;
    - ii. Replaced the carbon steel tubes with stainless steel supports;
    - iii. Added additional tube supports to mitigate vibration issues that might affect the structural integrity of the replacement tube supports;
    - iv. Replaced the carbon steel distributor plates with stainless steel;
    - v. Eliminated the top row of tubes to allow greater spacing between the remaining tubes and distributor plates; and
    - vi. Eliminated ten tubes in each exchanger bundle to serve as inspection ports.
  - e. On September 21, 2012, submitted a CAP to address the excessive emissions events that began on March 30, 2012 (Incident No. 16865), on May 16, 2012 (Incident No. 168543), and on May 29, 2012 (Incident No. 168998);
  - f. On March 12, 2013, received Commission approval for the CAP dated September 21, 2012; and
  - g. On June 21, 2013, submitted a CAP to address the excessive emissions event that began on September 1, 2012 (Incident No. 173029).

#### II. CONCLUSIONS OF LAW

- 1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 382 and Tex. Water Code ch. 7 and the rules of the Commission.
- 2. As evidenced by Findings of Fact No. 3, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that began on March 30, 2012 (Incident No. 166865), in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), New Source Review ("NSR") Permit No. 48895, Special Conditions ("SC") No. 1, and Federal Operating Permit ("FOP") No. 0-2325, Special Terms and Conditions ("STC") No. 19.
- 3. As evidenced by Findings of Fact No. 4, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 16, 2012 (Incident No. 168543), in violation of 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. 0-2325, STC No. 19.
- 4. As evidenced by Findings of Fact No. 5, the Respondent failed to report all instances of deviations, in violation of 30 Tex. ADMIN. CODE §§ 122.143(4) and 122.145(2)(A), Tex. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-2321, General Terms and Conditions.
- As evidenced by Findings of Fact No. 6, the Respondent failed to submit a startup, shutdown, and malfunction report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe, in violation of 30 Tex. Admin. Code §§ 101.20(2), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.10(d)(5)(i), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5.
- 6. As evidenced by Findings of Fact No. 7, the Respondent failed to submit the excess emissions and monitoring system performance report for the July 1, 2011 to December 31, 2011 reporting period within the required timeframe, in violation of 30 Tex. ADMIN. CODE §§ 101.20(2), 116.115(c), and 122.143(4), Tex. Health & Safety Code § 382.085(b), 40 CFR § 63.10(e)(3)(v), FOP No. O-2321, STC Nos. 1.A. and 18, and NSR Permit Nos. 18251 and N-011, SC No. 5.
- 7. As evidenced by Findings of Fact No. 8, the Respondent failed to perform quarterly visible emission observations, in violation of 30 Tex. Admin. Code § 122.143(4), Tex. Health & Safety Code § 382.085(b), and FOP No. O-2321, STC Nos. 3(A)(iv)(1) and 3(B)(iv)(1).
- 8. As evidenced by Findings of Fact No. 9, the Respondent failed to maintain the flare net heating value above 300 BTU/scf for Flare Nos. 30Z7 and 31Z4, in violation of 30 Tex. ADMIN. CODE §§ 101.20(1) and (2), 115.126(1)(B), 116.115(c), and 122.143(4), Tex. HEALTH & SAFETY CODE § 382.085(b), 40 CFR §§ 60.18(c)(3)(ii) and 63.11(b)(6)(ii), FOP No. O-2321, STC No. 1.A., and NSR Permit Nos. 18251 and N-011, SC Nos. 5 and 19A.

- 9. As evidenced by Findings of Fact No. 10, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on May 29, 2012 (Incident No. 168998), in violation of 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), NSR Permit No. 48895, SC No. 1, and FOP No. 0-2325, STC No. 19.
- As evidenced by Findings of Fact No. 11, the Respondent failed to prevent unauthorized emissions during an excessive emissions event that occurred on September 1, 2012 (Incident No. 173029), in violation of 30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit Nos. 18251 and N-011, SC No. 1.
- Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The Respondent has paid the Eighty-Seven Thousand Six Hundred Ninety-Five Dollars (\$87,695) of the administrative penalty. Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").

#### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389) as set forth in Section II, Paragraph 12 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Ascend Performance Materials Operations LLC, Docket No. 2012-1543-AIR-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The Respondent shall implement and complete a SEP in accordance with Tex. Water Code § 7.067. As set forth in Section II, Paragraph 12 above, Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694) of the assessed administrative penalty shall be offset with the condition that the Respondent implements the SEP defined in Attachment A, incorporated herein by reference. The Respondent's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. The Respondent shall undertake the following technical requirements:
  - a. Respond completely and adequately, as determined by the Executive Director, to all written requests for information concerning the CAP dated June 21, 2013 within 15 days after the date of such requests, or by any other deadline specified in writing;
  - b. Within 30 days of the effective date of this Agreed Order, implement improvements to the recordkeeping system to ensure that deviation reports are submitted in an accurate and timely manner;
  - c. Within 45 days of the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.b., as described in Ordering Provision No. 3.f.;
  - d. Upon Commission approval, implement the CAP dated June 21, 2013 in accordance with the approved schedule;
  - e. Within 15 days upon completion of the implementation of the CAP dated June 21, 2013, submit written certification to demonstrate compliance with Ordering Provision No. 3.d., as described in Ordering Provision No. 3.f.; and
  - f. Written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c. and 3.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Air Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 9. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the

Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

- This Agreed Order may be executed in separate and multiple counterparts, which 10. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission. including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.
- 11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. ADMIN. CODE § 70.10(b) and Tex. GOV'T CODE § 2001.142.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	117-114 Date
I, the undersigned, have read and understand to Ascend Performance Materials Operations LLC. I a Order on behalf of Ascend Performance Materials of terms and conditions. I further acknowledge the penalty amount, is materially relying on such repre-	m authorized to agree to the attached Agreed Operations LLC, and do agree to the specified at the TCEQ, in accepting payment for the
I understand that by entering into this Agreed Order LLC waives certain procedural rights, including, by violations addressed by this Agreed Order, notic evidentiary hearing, and the right to appeal. I agree an evidentiary hearing. This Agreed Order con Commission of the violations set forth in this Agreed	ut not limited to, the right to formal notice of e of an evidentiary hearing, the right to a ee to the terms of the Agreed Order in lieu o astitutes full and final adjudication by the
<ul> <li>additional penalties, and/or attorney fees, of the second penalties in any future enforcement</li> </ul>	ay result in: submitted; heral's Office for contempt, injunctive relief or to a collection agency; ent actions; l's Office of any future enforcement actions law.
Signature	7 17 13 Date
Pour CARTLIDGE	Date RANT MANAGER
Name (Printed or typed) Authorized Representative of Ascend Performance Materials Operations LLC	Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.

# Attachment A Docket Number: 2012-1543-AIR-E

#### SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Ascend Performance Materials Operations LLC		
Penalty Amount:	One Hundred Seventy-Five Thousand Three Hundred Eighty-Nine Dollars (\$175,389)		
SEP Offset Amount:	Eighty-Seven Thousand Six Hundred Ninety-Four Dollars (\$87,694)		
Type of SEP:	Contribution to a Third-Party Administrator SEP		
Third-Party Administrator:	Brazoria County		
Project Name:	Brazoria County Vehicle and Equipment Program		
Location of SEP:	Brazoria County		

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

## 1. Project Description

## a. Project

Respondent shall contribute the SEP Offset Amount to the Third-Party Ådministrator named above. The contribution will be to the **Brazoria County** for the *Brazoria County Vehicle and Equipment Program*. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the "Project"). Specifically, the SEP Offset Amount will be used to 1) retire current diesel powered or gasoline-powered vehicles and equipment and replace those vehicles and equipment with alternative-fueled or low-emission vehicles or equipment; 2) convert current vehicles and equipment to alternative-fueled vehicles or equipment; or 3) retrofit current gasoline-powered and diesel-powered vehicles and equipment to decrease emissions from those sources. SEP funds may only be used for: 1) the incremental costs of purchase of alternative-fueled or lower emission vehicles or equipment or retrofit of existing vehicles or equipment; 2) the incremental cost of purchase of alternative fuels versus regular gasoline or diesel fuels; or 3) other direct expenses authorized in advance and in writing by TCEQ.

Retirement of Vehicles. The Third-Party Administrator shall submit proof that any purchase of new vehicles or equipment using SEP funds meets current U.S. Environmental Protection Agency ("EPA") low-emission standards. The Third-Party Administrator shall ensure that equipment and vehicles being retired are operational and

Ascend Performance Materials Operations LLC Agreed Order - Attachment A

that vehicles have current registration stickers. The retired vehicles and equipment must not be resold for any use except scrap value. The engine and exhaust system, including the catalytic converter, must be destroyed. The Third-Party Administrator shall submit proof of registration, decommissioning, and scrappage by an authorized vehicle dismantler for all retired vehicles and equipment.

<u>Retrofits and Conversions</u>. The Third-Party Administrator shall submit proof that all conversions or retrofits meet current EPA low-emission standards. Retrofitting, in this context, means installing devices to reduce exhaust emissions that are verified or certified by the EPA or the California Air Resources Board ("CARB") as proven retrofit technologies. All replacement engines must be certified or verified by the EPA or CARB.

When purchasing alternative-fueled vehicles or equipment, the Third-Party Administrator shall purchase only those types of equipment that use fuels that are available for purchase within 15 miles of its fleet operation area. Alternative-fueled technologies may include propane or electric-powered lawn mowers, propane-powered light duty vehicles and heavy equipment, propane-powered generators, and other technologies or alternative fuels as described below:

Alternative Fuels: Use of alternatives fuels is limited to this list of fuels which are defined as alternative fuels by the Energy Policy Act of 1992 and are currently, or have been, commercially available for vehicles: biodiesel (if used in an area not designated as ozone non-attainment or near non-attainment), electricity, ethanol, hydrogen, methanol, natural gas, and propane. Other fuels that are currently under development may be approved for use at the discretion of the TCEQ staff. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

Respondent's signature affixed to this Agreed Order certifies that Respondent has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. Respondent shall not profit in any manner from this SEP.

#### b. Environmental Benefit

Replacement of gasoline and diesel powered lawn mowers, heavy equipment, and vehicles with lower-emission items will reduce air pollution emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel that would have been generated by the older

Ascend Performance Materials Operations LLC Agreed Order - Attachment A

replaced item. Use of alternative fuels combined with energy efficiency modifications results in a direct reduction in the amount of emissions that contribute to air pollution in this state.

Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

#### c. Minimum Expenditure

Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

#### 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. Respondent shall make the check payable to **Brazoria County SEP** and shall mail the contribution with a copy of the Agreed Order to:

Brazoria County Attention: Richard Hurd 313 West Mulberry Angleton, Texas 77515

# 3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality Enforcement Division Attention: SEP Coordinator, MC 219 P.O. Box 13087 Austin, Texas 78711-3087

# 4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

Ascend Performance Materials Operations LLC Agreed Order - Attachment A

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality Litigation Division Attention: SEP Coordinator, MC 175 P.O. Box 13087 Austin, Texas 78711-3087

## 5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

## 6. Clean Texas Program

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

# 7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.